

**FOLEY & LARDNER LLP**  
ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
TELEPHONE: 415.434.4484  
FACSIMILE: 415.434.4507

LAURENCE R. ARNOLD, CA BAR NO. 133715  
EILEEN R. RIDLEY, CA BAR NO. 151735  
SCOTT P. INCIARDI, CA BAR NO. 228814  
KRISTY KUNISAKI, CA BAR NO. 241005  
Attorneys for STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S HOSPITAL

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL,

Petitioners,

vs.

SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715,

Respondent.

Case No: 5:07-CV-05158-JF

**DECLARATION OF EILEEN R.  
RIDLEY IN SUPPORT OF  
STANFORD HOSPITAL &  
CLINICS' AND LUCILE PACKARD  
CHILDREN'S HOSPITAL'S  
MOTION TO COMPEL  
DEPOSITIONS**

Date: August 27, 2008  
Time: 9:30 a.m.  
Dept: 4

Judge: Hon. Jeremy Fogel  
Magistrate Judge: Hon. Richard Seeborg

SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715

Petitioner and Counter-  
Respondent,

vs.

STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL

Respondents and Counter-  
Petitioners.

Case No: 5:08-CV-00213-JF

Judge: Hon. Jeremy Fogel

SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715

Petitioner,

vs.

STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL

Respondents.

Case No: 5:08-CV-00215-JF

Judge: Hon. Jeremy Fogel

SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715

Petitioner,

vs.

STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL

Respondents.

Case No: 5:08-CV-00216-JF

Judge: Hon. Jeremy Fogel

SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715

Petitioner,

vs.

STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL

Respondents.

Case No: 5:08-CV-01726-JF

Judge: Hon. Jeremy Fogel

SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715

Petitioner,

vs.

STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL

Respondents.

Case No: 5:08-CV-01727-JF

Judge: Hon. Jeremy Fogel

1           1.       I am an attorney at law, licensed to practice in the State of California and  
2 before this Court. I am a partner with the law firm of Foley & Lardner LLP, counsel of  
3 record for Stanford Hospital & Clinics and Lucile Packard Children's Hospital  
4 (hereinafter collectively "the Hospitals"). I am one of the attorneys with primary  
5 responsibility for representing the HOSPITALS in the above-referenced actions (the  
6 "Actions"). All of the matters stated within this Declaration are within my personal  
7 knowledge, and I am fully competent to testify as to each of these matters if called upon  
8 to do so.

9           2.       The Court conducted a Case Management Conference on April 25, 2008  
10 during which proceeding the Court [a] permitted the Hospitals to conduct discovery  
11 regarding the existence of Service Employees International Union, Local 715 ("SEIU,  
12 Local 715"), its representative capacity and the use of its resources and [b] set the hearing  
13 and filing dates for dispositive motions. The deadline to file dispositive motions was set  
14 for July 18, 2008. A true and correct copy of the transcript of that Case Management  
15 Conference is attached hereto as Exhibit A.

16           3.       On June 13, 2008, a Notice of Deposition of Bruce W. Smith for his  
17 deposition set for June 26, 2008, was served to counsel of record for Petitioner and  
18 Counter-Respondent, SEIU, Local 715. A true and correct copy of this Notice of  
19 Deposition is hereto attached as Exhibits B-G. The deposition date was specifically  
20 scheduled to take place after SEIU, Local 715 produced documents pursuant to a Request  
21 for Production of Documents served by the Hospitals earlier.

22           4.       On June 13, 2008, a Notice of Deposition of Myriam Escamilla for her  
23 deposition set for July 2, 2008, was served to counsel of record for Petitioner and  
24 Counter-Respondent. A true and correct copy of this Notice of Deposition is hereto  
25 attached as Exhibits H-M. Again, the deposition date was specifically scheduled to take  
26 place after SEIU, Local 715 produced documents pursuant to a Request for Production of  
27 Documents served by the Hospitals earlier.

1           5.       Nationwide Legal, Inc. attempted to serve the deposition subpoena on Ms.  
2 Escamilla on several occasions, but were unsuccessful due to Ms. Escamilla purposefully  
3 evading service. Specifically, while attempting to serve Ms. Escamilla with the  
4 deposition subpoena, a process server spoke with Ms. Escamilla by telephone on June 17,  
5 2008 at 8:15 a.m. and made an appointment for Ms. Escamilla to accept service on the  
6 morning of June 18, 2008 at her home. On the date of the appointment, June 18, 2008 at  
7 8:45 a.m., Ms. Escamilla informed the process server that she would not accept service.  
8 On the following two days, June 19 and 20, 2008, the process server attempted to serve  
9 Ms. Escamilla at her workplace. However, two separate receptionists notified the process  
10 server that he could leave the subpoena in a drop box but that no name of the person  
11 accepting service would be provided. Ms. Escamilla refused to accept service at her  
12 workplace. The process server again attempted to serve Ms. Escamilla at her home on  
13 June 21 and 22, 2008, but no one would answer the door even though he could hear  
14 voices inside Ms. Escamilla's apartment. Attached hereto as Exhibits N-S are true and  
15 correct copies of the Declarations of Ismael Velasco and Carlos Castro dated June 25,  
16 2008 regarding attempted service of Ms. Escamilla. Attached hereto as Exhibits T-Y are  
17 true and correct copies of the Deposition Subpoena for Ms. Escamilla.

18           6.       On June 13, 2008, a Notice of Deposition of Kristy Sermersheim for her  
19 deposition set for July 1, 2008, was served to counsel of record for Petitioner and  
20 Counter-Respondent. A true and correct copy of this Notice of Deposition is hereto  
21 attached as Exhibits Z-EE. Once again, the deposition date was specifically scheduled to  
22 take place after SEIU, Local 715 and other union entities were to produce documents  
23 pursuant to a Request for Production of Documents and/or subpoena served by the  
24 Hospitals earlier. On June 16, 2008, Ms. Sermersheim was served with the deposition  
25 subpoena. A true and correct copy of this Deposition Subpoena is hereto attached as  
26 Exhibits FF-KK.

27 ///

28

1           7.       On June 23, 2008, I received a letter from Bruce Harland. In that letter, Mr.  
2 Harland inquired as to whether Mr. Smith and Ms. Escamilla were subpoenaed as non-  
3 parties for deposition. Mr. Harland further wrote that if he was correct that Mr. Smith  
4 and Ms. Escamilla were non-parties, then he objected to the subpoenas on the basis that  
5 they were an effort to harass both Mr. Smith and Ms. Escamilla. Mr. Harland further  
6 notified me that Mr. Smith and Ms. Escamilla were not available for the dates noticed. A  
7 true and correct copy of this letter dated June 23, 2008 is hereto attached as Exhibit LL.

8           8.       On the same day, June 23, 2008, I sent a letter to Mr. Harland in response  
9 to his letter. In my letter, I clarified that Mr. Smith was served as a party since he acted  
10 as the trustee for SEIU, Local 715. I also notified Mr. Harland that Ms. Escamilla has  
11 repeatedly evaded service of a subpoena, and requested Mr. Harland's office whether it  
12 was authorized to accept service on Ms. Escamilla's behalf. My letter also clarified the  
13 purpose for the depositions of Mr. Smith and Ms. Escamilla. A true and correct copy of  
14 this letter dated June 23, 2008 is hereto attached as Exhibit MM.

15           9.       On June 25, 2008, I emailed Mr. Harland regarding the depositions of Mr.  
16 Smith and Ms. Escamilla. In my email, I specifically requested alternative dates for Mr.  
17 Smith and Ms. Escamilla, particularly in light of the July 18th deadline to file dispositive  
18 motions. A true and correct copy of this email is hereto attached as Exhibit NN.

19           10.      On June 27, 2008, Scott Inciardi of my office received a letter from Andrea  
20 Laiacona. In that letter, Ms. Laiacona notified Mr. Inciardi that Kristy Sermersheim was  
21 not available for deposition on July 1, 2008. Ms. Laiacona further requested that Mr.  
22 Inciardi contact her to "discuss possible dates and to discuss the necessity of taking Ms.  
23 Sermersheim's deposition." In her letter, Ms. Laiacona further stated that she did not  
24 believe that Ms. Sermersheim has any relevant information and indicated that she would  
25 file a motion to quash the subpoena if the Hospitals proceeded with scheduling Ms.  
26 Sermersheim's deposition. A true and correct copy of this letter dated June 26, 2008 is  
27 hereto attached as Exhibit OO.

1           11. On June 30, 2008, Mr. Inciardi responded to Ms. Laiacona's letter of June  
2 26. In his response, Mr. Inciardi explained the necessity of the deposition of Ms.  
3 Sermersheim and requested that available dates be provided. To date, my office has not  
4 received a response to Mr. Inciardi's letter. A true and correct copy of this letter dated  
5 June 30, 2008 is hereto attached as Exhibit PP.

6           12. On June 27, 2008, I received a letter from Andrea Laiacona stating her  
7 position on behalf of Local 521. In her letter, Ms. Laiacona (incorrectly) alleged that I  
8 had already expressly acknowledged that Local 715 exists, and that my client's request  
9 for discovery "[was] an abuse of process, burdensome, harassing and unnecessary and ...  
10 points to the bad faith [my] client [was] engaging in ...maintaining this litigation." A  
11 true and correct copy of this letter is hereto attached as Exhibit QQ.

12           13. On Friday, June 27, 2008, because I had not received a response to my  
13 email of June 25, 2008, I emailed Mr. Harland to follow-up to my prior email. Mr.  
14 Harland responded on June 30, 2008, and notified me that he would be available to speak  
15 with me on July 1, 2008. A true and correct copy of these emails are hereto attached as  
16 Exhibit RR.

17           14. On July 1, 2008, I had not heard from Mr. Harland despite his  
18 representation that he would be available to meet and confer. I emailed Mr. Harland  
19 requesting a response from him regarding the pending discovery issues. On July 1, 2008  
20 after 5:00 p.m., Mr. Harland responded to my email. In his email, Mr. Harland refused to  
21 stipulate to continue the July 18, 2008 filing date for dispositive motions. Mr. Harland  
22 further refused to offer deposition dates for Ms. Escamilla and offered the deposition  
23 dates of July 14, 15, 16, 17, 2008 for the deposition of Mr. Smith. I responded to Mr.  
24 Harland's email via email at 9:12 p.m. on that same day. In my email, I refuted Mr.  
25 Harland's contentions regarding the necessity of the discovery propounded by my clients.  
26 On July 2, 2008, at 7:12 p.m., I received an email from Mr. Harland notifying me that he  
27 was available on July 3 to meet and confer. In that email, Mr. Harland also proposed that  
28

1 we meet and confer after he has had an opportunity to address our meet and confer letter  
2 of July 1, 2008. I responded to Mr. Harland's email on July 3, 2008, proposing dates for  
3 a telephone conference on either July 7 or 8. A true and correct copy of these emails are  
4 hereto attached as Exhibit SS.

5 15. On July 9, 2008, I met and conferred with Mr. Harland regarding  
6 outstanding discovery issues, including setting dates for depositions. In that  
7 conversation, I told Mr. Harland that it was necessary first to obtain all responsive  
8 documents to the pending discovery requests (including the request for production from  
9 SEIU, Local 715) in order to complete the depositions. I outlined the Hospitals' position  
10 with respect to outstanding discovery issues in an email to Mr. Harland dated July 9,  
11 2008. A true and correct copy of this email is hereto attached as Exhibit TT.

12 16. Prior to the filing of this motion to compel, I made a reasonable and good  
13 faith attempt to resolve the disputed response raised by this motion with counsel for  
14 Plaintiffs as reflected in Exhibits LL-TT attached hereto. The attempts to meet and  
15 confer were not successful.

16 17. I have reviewed the time entries on this matter and am familiar with the  
17 billable rates of the attorneys work on the Actions. The Hospitals estimate that they have  
18 expended and/or will expend (including any appearance at the hearing of this motion) a  
19 total of approximately \$10,000 in bringing this motion.

20 18. I declare under penalty of perjury under the laws of the United States of  
21 America that the foregoing is true and correct. Executed this eleventh day of July 2008  
22 in San Francisco, California.

23  
24  
25  
26 /s/  
EILEEN R. RIDLEY

# **EXHIBIT A**



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SERVICE EMPLOYEES ) CV-07-5158-JF  
INTERNATIONAL UNION, )  
LOCAL 715, ) SAN JOSE, CALIFORNIA  
 )  
PETITIONER, )  
 ) APRIL 25, 2008  
VS. )  
 )  
STANFORD HOSPITAL AND ) PAGES 1-17  
CLINICS & LUCILE PACKARD )  
CHILDREN'S HOSPITAL,  
RESPONDENT.

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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE JEREMY FOGEL  
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE PLAINTIFF: WEINBERG, ROGER & ROSENFELD  
SEIU BY: BRUCE HARLAND  
1001 MARINA VILLAGE PKWY.  
STE 200  
ALAMEDA, CA 94501

FOR THE DEFENDANT: FOLEY & LARDNER  
STANFORD HOSPITAL BY: EILEEN RIDLEY  
LUCILE PACKARD ONE MARITIME PLAZA, 6TH FL  
SAN FRANCISCO, CA 94111

OFFICIAL COURT REPORTER: SUMMER CLANTON, CSR,  
CERTIFICATE NUMBER 13185

1 SAN JOSE, CALIFORNIA APRIL 25, 2008

2 P R O C E E D I N G S

3 (WHEREUPON, COURT CONVENED AND THE  
4 FOLLOWING PROCEEDINGS WERE HELD:)

5 THE COURT: ALL OF THE SEIU, WHICH I  
6 BELIEVE ALL HAVE THE SAME NAME. SEIU VERSUS  
7 STANFORD HOSPITAL AND CLINICS.

8 MR. HARLAND: GOOD MORNING, YOUR HONOR.  
9 BRUCE HARLAND FOR SEIU LOCAL 715.

10 MS. RIDLEY: GOOD MORNING, YOUR HONOR.  
11 EILEEN RIDLEY, FOLEY AND LARDNER, ON BEHALF OF  
12 STANFORD HOSPITAL AND LUCILE PACKARD CHILDREN'S  
13 HOSPITAL.

14 THE COURT: OKAY. WE ACTUALLY HAVE A  
15 COUPLE OF DIFFERENT THINGS GOING ON. I DID RELATE  
16 ALL THE CASES AND THERE SHOULD BE NO  
17 MISUNDERSTANDING. I DIDN'T CONSOLIDATE ANYTHING.  
18 I'M TREATING THEM AS SEPARATE CASES, BUT I  
19 CONCLUDED THERE IS ENOUGH OF AN OVERLAP AMONG THE  
20 DISPUTES THAT IT WOULD BE APPROPRIATE FOR ONE JUDGE  
21 TO HANDLE THEM.

22 I GUESS MY QUESTION IS WHETHER WE ARE IN  
23 A POSITION TO SET ANY TYPE OF SCHEDULE OR WHETHER  
24 WE SHOULD TRY TO GET EVERYONE TOGETHER FOR A SINGLE  
25 ADR PROCEDURE OR WHAT THE APPROPRIATE NEXT MOVE IS

1 AT THIS POINT.

2 MR. HARLAND: YOUR HONOR, THIS IS  
3 BRUCE HARLAND. I DON'T THINK ANY ADR IS GOING TO  
4 BE HELPFUL IN THIS SITUATION.

5 WHAT I WOULD PROPOSE IN THE RELATED CASE,  
6 051 -- OR, 5158 -- WE AGREED AT THE LAST CASE  
7 MANAGEMENT CONFERENCE TO FILE A DISPOSITIVE MOTION  
8 IN THAT MATTER BY JUNE 20TH.

9 THE COURT: OKAY.

10 MR. HARLAND: AND THAT'S A PETITION TO  
11 VACATE FILED BY STANFORD HOSPITAL. 213, BEFORE YOU  
12 TODAY, IS A PETITION, PART OF AN ARBITRATION AWARD,  
13 WHICH IN THE UNION'S OPINION IS JUST A STRAIGHT  
14 LEGAL ISSUE. I WOULD PROPOSE HAVING 505 ON JUNE  
15 20TH.

16 THE COURT: BASICALLY JUST SET A MOTIONS  
17 DATE FOR ANY MOTIONS ANYONE WANTS TO FILE IN ANY OF  
18 THE RELATED CASES?

19 MR. HARLAND: YEAH. BEFORE JUNE 20TH. I  
20 DON'T THINK THERE'S ANY NEED IN THESE CASES,  
21 BECAUSE THERE'S JUST A PURE LEGAL ISSUE, ANY NEED  
22 TO DO DISCOVERY.

23 THE COURT: OKAY. I SEE COUNSEL SHAKING  
24 HER HEAD, SO PERHAPS I SHOULD HERE FROM HER.

25 MS. RIDLEY: A COUPLE OF POINTS WITH

1 REGARD TO THAT.

2 ONE, THE CASES MOST RECENTLY RELATED,  
3 WE'VE NOT EVEN APPEARED YET, AND WE THINK THEY ARE  
4 SURFACE ISSUES WITH REGARD TO THOSE. THE SURFACE  
5 ISSUES CAN BE RESOLVED MUCH LIKE THE OTHER ISSUES  
6 BUT THEY ARE IN A DIFFERENT STATUS.

7 SECOND, THERE'S DIFFERENT ISSUES FROM THE  
8 CASE -- THE FIRST FILED CASE FROM THE RELATED CASES  
9 THAN THE OTHERS AS WE'VE DISCUSSED, BUT ONE OF THE  
10 MORE IMPORTANT ISSUES IS THE STATUS OF LOCAL 715,  
11 THE ISSUES OF RESOURCES, AND THE REPRESENTATIVE  
12 CAPACITY. THOSE HAVE TO BE SUBJECT TO SOME  
13 DISCOVERY WHICH WE BELIEVE HAS TO BE DONE. AND  
14 GIVEN THE JUNE 20TH DATE, I DON'T KNOW WE HAVE  
15 ENOUGH TIME.

16 THERE ARE SIGNIFICANT ISSUES WITH REGARD  
17 TO WHAT'S GOING ON WITH REGARD TO WHO IS  
18 REPRESENTING THAT LOCAL, WHETHER IT EXISTS, AND  
19 WHETHER RESOURCES HAVE BEEN SENT.

20 THE COURT: HOW QUICKLY WILL IT TAKE TO  
21 DO THAT?

22 MS. RIDLEY: I ANTICIPATE, WITH REGARD TO  
23 DISCOVERY, IS SOME DOCUMENT PRODUCTION, POSSIBLE  
24 REQUEST AND A POSSIBLE DEPOSITIONS.

25 THE ISSUE REALLY GOES TO A VERY DISCREET

1 CONCERN WITH REGARD TO THE RESOURCES AND  
2 REPRESENTATION.

3 THE COURT: RIGHT, WHO ARE YOU DEALING  
4 WITH.

5 LET ME GET COUNSEL TO RESPOND.

6 MR. HARLAND?

7 MR. HARLAND: SURE. I THINK IT WILL  
8 TAKE -- IT WILL BE SIGNIFICANT DISCOVERY BASED ON  
9 THE PAST RELATIONSHIP BETWEEN THE PARTIES.

10 NUMBER TWO, I DON'T THINK YOU NEED ANY OF  
11 THAT INFORMATION, OR THEY NEED ANY OF THAT  
12 INFORMATION TO ARGUE A PETITION TO CONFIRM AN  
13 ARBITRATION AWARD OR EVEN A PETITION TO COMPEL  
14 ARBITRATION.

15 THE COURT: YOU'RE SAYING WE CAN SET THE  
16 MOTION SCHEDULES ON THE ARBITRATION CASES QUICKLY,  
17 AND THEN THE OTHER MATTER HAVING TO DO WITH WHO IS  
18 BARGAINING WITH WHOM CAN BE WORKED OUT IN A SLOWER  
19 TIME FRAME.

20 MR. HARLAND: WHAT I WOULD SUGGEST IS WE  
21 BE ALLOWED TO BRING THE MOTION BY JUNE 20TH BY ALL  
22 THE CASES EXCEPT FOR THE TWO THAT HAVE JUST BEEN  
23 RELATED. I GUESS --

24 THE COURT: ALL RIGHT. LET ME HEAR FROM  
25 STANFORD AS TO WHY THAT'S NOT APPROPRIATE.

1 MS. RIDLEY: THEY ARE TRYING TO COMPEL AN  
2 ARBITRATION BASED ON AN ENTITY AND A SERVICING  
3 AGREEMENT THAT WE'VE REJECTED, WITH REGARD TO  
4 COUNSEL, WHO HASN'T CLARIFIED WHO THEY ARE  
5 REPRESENTING, AN ENTITY THAT MAY NOT IN FACT EXIST.

6 THE COURT: WOULD ANY OF THAT GO TO THE  
7 ENFORCEABILITY OR THE LEGALITY OF THE ARBITRATION  
8 AWARDS IN QUESTION?

9 MS. RIDLEY: YES, YOUR HONOR. AND WE  
10 THINK THAT'S ONE OF THE ISSUES INCLUDING -- FOR  
11 INSTANCE, IN THE FIRST CASE THAT EVERYTHING IS  
12 RELATED TO, DEALING WITH WHETHER OR NOT THE  
13 ARBITRATOR IN THAT CASE WENT BEYOND HIS POWERS TO  
14 DETERMINE CERTAIN ISSUES.

15 THE COURT: OKAY.

16 MR. HARLAND: AND THAT'S JUST THE PURE  
17 LEGAL ISSUE BECAUSE IT'S A MATTER THAT WAS  
18 SUBMITTED TO THE ARBITRATOR WHICH HE EITHER WENT  
19 BEYOND THAT ISSUE OR HE DIDN'T GO BEYOND THAT  
20 ISSUE. IF HE DIDN'T GO BEYOND THE ISSUES SUBMITTED  
21 TO HIM --

22 THE COURT: LET ME JUST HYPOTHETICALLY  
23 SUGGEST SOMETHING AND GET A RESPONSE.

24 WITHIN THE FOUR CORNERS OF THE  
25 ARBITRATION AWARD, THERE'S NO QUESTION THAT WHAT

1 MR. HARLAND JUST SAID IS CORRECT. THE COURT LOOKS  
2 AT THE ARBITRATION AWARD, AND IS THERE AN AGREEMENT  
3 TO ARBITRATE, AND IS THE AWARD NOT COMPLETELY OFF  
4 THE ENDS OF THE EARTH, AND SOMETIMES EVEN THOSE ARE  
5 OKAY. AND YOU JUST EITHER DECIDE TO CONFIRM IT OR  
6 NOT.

7 BUT IN TERMS OF THE ENFORCEABILITY OF THE  
8 ARBITRATION AWARD, THAT'S A DIFFERENT QUESTION.  
9 IF THE ARBITRATION INVOLVED PEOPLE WHO WERE NOT  
10 PARTIES TO THE ARBITRATION AGREEMENT, FOR INSTANCE,  
11 THEN IT DOESN'T MATTER HOW GREAT A JOB THE  
12 ARBITRATOR DID IF THERE'S NOTHING TO ENFORCE. SO  
13 THOSE ARE SEPARATE QUESTIONS.

14 AND I GUESS I WANT TO TRY TO GET AN  
15 INDICATION -- IS IT THE UNION'S POSITION THAT THE  
16 COURT SHOULD ADJUDICATE WHETHER THE AWARD SHOULD BE  
17 CONFIRMED OR NOT CONFIRMED JUST BASED ON  
18 TRADITIONAL ARBITRATION PRINCIPLES, AND THEN LEAVE  
19 FOR ANOTHER DAY THE QUESTION OF WHETHER AT LEAST  
20 ONE PARTY TO THAT ARBITRATION ACTUALLY HAD STANDING  
21 TO PARTICIPATE IN IT, WHICH IS WHAT I THINK I HEAR  
22 COUNSEL SUGGESTING.

23 MR. HARLAND: I THINK YOU CAN RESOLVE --  
24 I DON'T THINK YOU HAVE TO EVEN GET TO THE SECOND  
25 ISSUE, BUT I THINK YOU CAN RESOLVE BOTH OF THOSE

1 ISSUES IN ONE MOTION WITHOUT ANY DISCOVERY.

2 THE COURT: BUT HOW DO YOU -- I'M SORRY  
3 TO INTERRUPT YOU -- BUT HOW DO YOU RESOLVE AN ISSUE  
4 SUCH AS REPRESENTATION WITHOUT GETTING INTO SOME  
5 TYPE OF FACTUAL INQUIRY?

6 MR. HARLAND: WELL, FIRST, THE COURT DOES  
7 NOT HAVE JURISDICTION OVER THE REPRESENTATIONAL  
8 STATUS OF THE UNION, THAT'S THE NLRB'S  
9 JURISDICTION, SO THAT'S JUST A PURE LEGAL ISSUE  
10 THERE.

11 THE COURT IS ONLY, AS YOU SAID, LOOKING  
12 AT THE CONTRACT, LOOKING AT THE ARBITRATION AND  
13 DETERMINING WHETHER OR NOT THE ARBITRATOR ISSUED  
14 THE ARBITRATION AWARD BY DRAWING THE ESSENCE OF THE  
15 AWARD FROM THE CONTRACT OR, YOU KNOW, WHETHER OR  
16 NOT HE VIOLATED POLICY. YOU ARE REALLY LOOKING  
17 ONLY AT LIMITED THINGS.

18 THE REPRESENTATIONAL STATUS OF THE UNION,  
19 IS NOT AN ISSUE BEFORE THIS COURT AND THE COURT  
20 DOESN'T HAVE ANY JURISDICTION.

21 THE COURT: BUT WHY WOULD THE COURT WANT  
22 TO SPEND THE TIME EVALUATING THE ENFORCEABILITY OF  
23 AN ARBITRATION AWARD IF ULTIMATELY THE PARTIES WHO  
24 ARE SEEKING ENFORCEMENT DON'T HAVE STANDING?

25 IN OTHER WORDS, I UNDERSTAND YOUR POINT,



1 THE COURT CAN LOOK AT THE AWARD WITHOUT EVEN  
2 LOOKING AT THE ISSUE OF REPRESENTATIONAL STATUS,  
3 BUT WHY WOULD THE COURT DO THAT AS A MATTER OF  
4 JUDICIAL ADMINISTRATION IF THERE'S GOING TO BE A  
5 FIGHT ABOUT THAT LATER?

6 MR. HARLAND: WELL, AGAIN, I THINK YOU  
7 CAN DO ALL OF THAT WITHOUT ANY DISCOVERY.

8 I MEAN, FOR EXAMPLE, THE WHOLE THING THAT  
9 TICKED US OFF WAS A PETITION TO VACATE FILES BY  
10 STANFORD. THEY SAY THEY DON'T THINK EXISTS -- OR  
11 THEY HAVE DOUBTS THAT EXISTS. THERE IS -- I DON'T  
12 KNOW HOW ELSE TO ANSWER THE QUESTION OTHER THAN I  
13 DON'T THINK ANY DISCOVERY IS NECESSARY IN TERMS OF  
14 THE UNION. BUT THE COURT COULD CONFIRM THE  
15 ARBITRATION AWARD AND THEN ENFORCE IT, AT THAT  
16 POINT, DETERMINE IF THE UNION HAD ANY STANDING OR  
17 NOT.

18 THE COURT: WHY WOULD -- IF IT'S NOT  
19 ENFORCEABLE -- AND I DON'T MEAN TO GET INTO A  
20 HYPOTHETICAL ARGUMENT. BUT IF IT'S NOT ENFORCEABLE  
21 BECAUSE IT WASN'T OBTAINED BY A PARTY WITH  
22 STANDING, WHY WOULD THE COURT WANT TO INVEST THE  
23 RESOURCES DECIDING WHETHER IT'S ENFORCEABLE OR NOT?

24 MR. HARLAND: IN TERMS OF WHO HAS  
25 STANDING, THE ONLY PARTY THAT HAS STANDING IS THE

1 PARTY TO THE CONTRACT.

2 THE COURT: RIGHT.

3 MR. HARLAND: AND AGAIN, THIS IS A LEGAL  
4 ISSUE IN TERMS OF WHO THE PARTIES HAVE AS THEIR  
5 ADVOCATE AT THE ARBITRATION.

6 THE COURT: I'M NOT SURE THAT'S TRUE,  
7 COUNSEL.

8 AND AGAIN, I'M NOT TRYING EXERCISE  
9 JURISDICTION OVER SOMETHING I DON'T HAVE  
10 JURISDICTION OVER. BUT SAY THERE'S A CONTRACT  
11 BETWEEN A AND B, AND Z SHOWS UP AT THE ARBITRATION  
12 AND SAYS, I'M A.

13 MR. HARLAND: THAT'S NOT THE SITUATION WE  
14 ARE DEALING WITH. WHAT WE ARE DEALING WITH IS THE  
15 CONTRACTS BETWEEN A AND B. B SHOWS UP TO THE  
16 ARBITRATION AND THE ATTORNEY FOR B SAYS, I'M  
17 APPEARING ON BEHALF OF B.

18 COUNSEL FOR THE HOSPITALS ARE SAYING THAT  
19 THEY QUESTION WHETHER OR NOT OUR FIRM ACTUALLY  
20 REPRESENTS B DIRECTLY.

21 THAT'S NOT A STANDING ISSUE, THAT'S A  
22 QUESTION OF ATTORNEY-CLIENT PRIVILEGE.

23 THE COURT: IN MY HYPOTHETICAL, THOUGH,  
24 YOU HAVE A PARTY WHO WASN'T WHO THEY SAID THEY WERE  
25 PARTICIPATING IN THE ARBITRATION, AND THEN YOU GET

1 AN ADJUDICATION WHICH IS A RESULT OF THE POSITIONS  
2 TAKEN BY THAT PARTY AND IT TURNS OUT THE ACTUAL  
3 PARTY WASN'T THERE. THAT GOES TO THE QUESTION OF  
4 WHETHER THE ARBITRATION AWARD HAS ANY VALIDITY.

5 THAT'S WHAT I UNDERSTAND THE ARGUMENT TO  
6 BE. I'M NOT -- I HAVE NO IDEA WHETHER THERE'S ANY  
7 TRUTH TO IT, BUT IT'S MORE THAN A QUESTION OF WHO  
8 THE LAWYER IS.

9 WHAT I GATHER FROM THE VARIOUS PAPERS  
10 I'VE SEEN OVER THE LAST SEVERAL DAYS IS THAT  
11 THERE'S A DISPUTE AS TO WHETHER A LOCAL 715  
12 REPRESENTS THE PEOPLE WHO IT PURPORTS TO REPRESENT.

13 MR. HARLAND: BUT THAT IS AN ISSUE  
14 ENTIRELY BEFORE THE EXCLUSIVE JURISDICTION OF  
15 THE --

16 THE COURT: RIGHT. IT IS. AND I'M NOT  
17 PURPORTING TO DECIDE THAT.

18 BUT WHAT I'M SAYING IS BEFORE I ENTERTAIN  
19 A PETITION TO VACATE OR ENFORCE AN ARBITRATION  
20 AWARD, I HAVE TO MAKE SURE THAT THE WHOLE THING  
21 ISN'T GOING TO GET UNDERCUT BY AN ORDER FROM THE  
22 NLRB COMING OUT AT SOME FUTURE POINT IN TIME  
23 SAYING, ACTUALLY, THE PEOPLE WHO WERE THERE HAD NO  
24 RIGHT TO BE THERE.

25 THIS IS A RESOURCE QUESTION FOR ME. I

1 THINK WHAT YOU SAID IS ABSOLUTELY RIGHT. THE COURT  
2 CAN LOOK AT THE ARBITRATION AWARD AND DECIDE  
3 WHETHER IT MAKES SENSE, IN TERMS OF THE SCOPE OF  
4 THE ARBITRATION AGREEMENT, WITHOUT REVOLVING THE  
5 STANDING ISSUE AT ALL. I'M JUST TRYING TO DECIDE  
6 WHETHER IT'S A PRUDENT THING TO DO.

7 WHY SHOULD THE COURT GO THROUGH  
8 LITIGATING ALL OF THAT IF THERE'S A POSSIBILITY IT  
9 MAY NOT MEAN ANYTHING?

10 MR. HARLAND: YOU COULD SAY THAT IN ANY  
11 PETITION TO COMPEL, OR PETITION TO CONFIRM, OR  
12 PETITION TO VACATE AT ANY POINT, AND IT GIVES A  
13 COLLECTIVE BARGAINING RELATIONSHIP.

14 THE EMPLOYER CAN SAY, WE DON'T THINK THE  
15 UNION REPRESENTS WHO THEY PURPORT TO REPRESENT.  
16 BUT THE QUESTION IS: AT THE HEARING, THE PARTIES  
17 SHOWED UP; THE UNION ENTERED AN APPEARANCE ON  
18 BEHALF OF LOCAL 715; A REPRESENTATIVE WHO WAS A  
19 TRUSTEE OF 715 APPEARED.

20 THERE'S NO ISSUE OTHER THAN THAT. THE  
21 UNION IS JUST SEEKING TO ENFORCE THE AWARD THAT  
22 THEY RECEIVED AS A PROPOSED AGREEMENT.

23 THE COURT: LET ME JUST ASK COUNSEL.

24 IS THERE ANY REASON WHY THE COURT CAN'T  
25 LOOK AT THE MERITS OF THE ARBITRATION AWARD?

1 MS. RIDLEY: YES, BECAUSE ONE OF THE  
2 THINGS THE ARBITRATOR DID WAS DETERMINE THE ISSUE  
3 OF REPRESENTATION AND STANDING. EVEN THOUGH DURING  
4 THE PROCEEDING THE ARBITRATOR SAID THAT'S NOT THEIR  
5 JURISDICTION, THEY ACTUALLY MADE THAT DECISION.  
6 AND THAT IS, ORGANICALLY, ONE OF THE PROBLEMS THAT  
7 GOES BEYOND WHETHER OR NOT YOU CAN CONFIRM THE  
8 ARBITRATION AWARD BUT ALSO IT'S ENFORCEABILITY.

9 THE COURT: SO WHAT CAN WE DO TO EXPEDITE  
10 THE DISCOVERY ON THIS STANDING ISSUE?

11 MS. RIDLEY: WE ARE PREPARED TO ISSUE THE  
12 REQUESTS, TO IDENTIFY, YOU KNOW, THE DEPOSITIONS  
13 THAT WE NEED WITH REGARD TO IT ONCE WE GET THE  
14 DOCUMENTS WE THINK ARE RELEVANT TO FAIRLY NARROW  
15 THE ISSUE WE ARE RAISING HERE.

16 THE COURT: COUNSEL, IS THERE SOME REASON  
17 WHY THAT CAN'T BE DONE QUICKLY?

18 MR. HARLAND: ARE YOU ASKING ME?

19 THE COURT: YES, COUNSEL. I AM.

20 MR. HARLAND: I MEAN, I HOPE IT COULD BE  
21 DONE QUICKLY. I DOUBT THAT IT WILL BE, BUT I HOPE  
22 THAT IT COULD BE DONE QUICKLY.

23 THE COURT: WELL, IT'S IN EVERYBODY'S  
24 INTEREST.

25 ALL RIGHT, HERE'S WHAT I'M GOING TO DO.

1 AND THIS IS NECESSARILY BASED ON IMPRESSIONS RATHER  
2 THAN HAVING POURED THROUGH HUNDREDS OF PAGES OF  
3 DOCUMENTS. BUT I THINK DISCOVERY SHOULD PROCEED ON  
4 THIS ISSUE BECAUSE IT'S GOING ON ARISE AT SOME  
5 POINT.

6 AND THE COURT IS NOT PURPORTING TO  
7 EXERCISE JURISDICTION OVER SOMETHING THAT THE NLRB  
8 HAS EXCLUSIVE JURISDICTION OVER, BUT ONLY TO AID  
9 THE RESOLUTIONS OF THE MOTIONS IT'S GOING TO HEAR.

10 AND I WILL MOVE THE FILING DATE FOR THE  
11 PETITION TO VACATE IN THE PETITION TO COMPEL. I  
12 WILL MOVE THEM BACK 30 DAYS, SO WE WILL MOVE TO  
13 JULY 18TH IN LIEU OF THE JUNE 20TH DATE. AND  
14 DISCOVERY IS TO PROCEED, AND IF THERE'S PROBLEMS  
15 WITH THAT, THEY ARE REFERRED TO MAGISTRATE  
16 JUDGE SEEBORG.

17 THEN THE HEARING DATE ON THE  
18 CROSS-MOTIONS WITH RESPECT TO THE ARBITRATION AWARD  
19 WOULD BE AUGUST 29TH. AND I THINK THAT MAYBE -- I  
20 THINK THAT WORKS. AUGUST 20TH AT 9:00.

21 MR. HARLAND: OKAY. SO IF I HAVE IT  
22 CORRECT, YOUR HONOR, BY JULY 18TH, 2008, DISCOVERY  
23 SHOULD BE COMPLETED, ARE YOU SAYING?

24 THE COURT: I'M SAYING THAT'S WHEN THE  
25 MOTIONS SHOULD BE FILED.

1 MR. HARLAND: OKAY.

2 THE COURT: DISCOVERY IS GOING TO HAVE TO  
3 GET DONE BEFORE THAT. I'M LEAVING THAT TO THE  
4 PARTIES. AND I REALIZE THIS IS AN ACRIMONIOUS  
5 RELATIONSHIP, AND I EXPECT COUNSEL TO COOPERATE AND  
6 USE ALL THE PROFESSIONAL COURTESIES THAT THEY CAN  
7 TO GET IT DONE SO THAT MOTIONS CAN BE FILED ON  
8 JULY 18TH.

9 AND THEN WE WILL HAVE A HEARING ON THE  
10 CROSS-MOTIONS, WITH RESPECT TO THE ARBITRATION  
11 AWARD, ON AUGUST 29TH.

12 MS. RIDLEY: AND I WOULD --

13 MR. HARLAND: FOR BOTH OF THEM?

14 THE COURT: FOR BOTH OF THEM, YES.  
15 THAT'S WHAT I MEAN BY CROSS-MOTIONS.

16 MS. RIDLEY: AND JUST SO I'M CLEAR, THE  
17 MOTIONS IN THE FIRST FILED CASE, JUST TO BE CLEAR.

18 THE COURT: YES.

19 MS. RIDLEY: AND THERE'S NO GENERAL ORDER  
20 ABOUT THE CLOSURE OF DISCOVERY FOR ALL THE RELATED?

21 THE COURT: NO, NO. AND THERE'S ONLY ONE  
22 ARBITRATION AWARD, RIGHT?

23 MS. RIDLEY: RIGHT.

24 THE COURT: AND ONE PARTY WANTS TO  
25 ENFORCE IT AND THE OTHER ONE WANTS TO VACATE IT.

1 MR. HARLAND: ACTUALLY, THERE'S TWO.  
2 THERE'S AN ARBITRATION AWARD IN 5158 WHICH THE  
3 HOSPITAL IS SEEKING TO VACATE.

4 THE COURT: OKAY. AND THEN THERE IS ONE  
5 THE UNION IS SEEKING TO ENFORCE.

6 MR. HARLAND: YES.

7 THE COURT: I WANT TO KEEP ALL OF THIS --  
8 AS FAR AS I'M CONCERNED, THIS IS ONE TROUBLED  
9 RELATIONSHIP.

10 THAT'S THE WAY I'M LOOKING AT IT. I'M  
11 TRYING TO LOOK AT IT WITH A BIG PICTURE RATHER THAN  
12 BREAK IT UP INTO CONSTITUENT PARTS BECAUSE IT WILL  
13 DRIVE ME NUTS IF I DO THAT.

14 SO THANK YOU VERY MUCH.

15 MS. RIDLEY: THANK YOU, YOUR HONOR.

16 (WHEREUPON, THE PROCEEDINGS IN THIS  
17 MATTER WERE CONCLUDED.)

18

19

20

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22

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24

25



1 STATE OF CALIFORNIA )  
2 ) SS:  
3 COUNTY OF SANTA CLARA )  
4

5 I, THE UNDERSIGNED OFFICIAL COURT  
6 REPORTER OF THE UNITED STATES DISTRICT COURT FOR  
7 THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH  
8 FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY  
9 CERTIFY:

10 THAT THE FOREGOING TRANSCRIPT,  
11 CERTIFICATE INCLUSIVE, CONSTITUTES A TRUE, FULL AND  
12 CORRECT TRANSCRIPT OF MY SHORTHAND NOTES TAKEN AS  
13 SUCH OFFICIAL COURT REPORTER OF THE PROCEEDINGS  
14 HEREINBEFORE ENTITLED AND REDUCED BY COMPUTER-AIDED  
15 TRANSCRIPTION TO THE BEST OF MY ABILITY.

16  
17 { \_\_\_\_\_ }

18 SUMMER A. CLANTON

19 OFFICIAL REPORTER, CSR NO. 13185  
20  
21  
22  
23  
24  
25

# **EXHIBIT B**

**FOLEY & LARDNER LLP**

ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
TELEPHONE: 415.434.4484  
FACSIMILE: 415.434.4507

LAURENCE R. ARNOLD, CA BAR NO. 133715  
EILEEN R. RIDLEY, CA BAR NO. 151735  
SCOTT P. INCIARDI, CA BAR NO. 228814

Attorneys for Petitioners Stanford Hospital & Clinics  
and Lucile Packard Children's Hospital

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL**

**Petitioners,**

**v.**

**SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715**

**Respondent.**

**Case No: 5:07-CV-05158-JF**

**NOTICE OF DEPOSITION OF  
BRUCE W. SMITH**

**Judge: Hon. Jeremy Fogel**

**TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:**

**YOU ARE HEREBY NOTIFIED THAT:** the deposition of Bruce W. Smith, alleged trustee for Service Employees International Union, Local 715, a party to this action, will be taken stenographically and recorded on audiotape and videotape by petitioners Stanford Hospital & Clinics and Lucile Packard Children's Hospital at the law offices of Foley & Lardner LLP, 975 Page Mill Road, Palo Alto, California 94304 commencing at 10:00 AM on Thursday, June 26, 2008.

///

///

1 So far as known to the deposing party, the deponent's alleged business address and  
2 telephone number are as follows:

3 2302 Zanker Road

4 San Jose, CA, 95131

5 408.594.8715

6 A list of all parties or attorneys for parties on whom this Notice of Deposition is being  
7 served is shown on the accompanying Proof of Service.

8  
9 Dated: June 10, 2008

FOLEY & LARDNER LLP  
LAURENCE R. ARNOLD  
EILEEN R RIDLEY  
SCOTT P. INCIARDI

10  
11  
12  
13  
14 By: 

EILEEN R. RIDLEY

**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **June 13, 2008**, I served the foregoing document(s) described as: **NOTICE OF DEPOSITION OF BRUCE W. SMITH, Case No. 5:07-CV-05158-JF**, on the interested parties in this action as follows:

☒ **BY THE FOLLOWING MEANS:**

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

William Sokol, Esq.  
W. Daniel Boone, Esq.  
Bruce A. Harland, Esq.  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Pkwy, Suite 200  
Alameda, CA 94501-1091  
(510) 337-1023

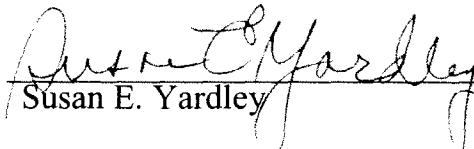
☒ **BY EXPRESS SERVICE CARRIER (Via Overnight Courier Service)**

☒ I am readily familiar with the firm's practice for collection and processing of correspondence for delivery by Federal Express: collected packages are picked up by an express carrier representative on the same day, with the Airbill listing the account number for billing to sender, at **San Francisco, California**, in the ordinary course of business. I placed the envelope(s) in an envelope or package designated by the express service carrier for collection and processing for express service delivery on the above date following ordinary business practices.

☒ Executed on **June 13, 2008**, at **San Francisco, California**.

☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
\_\_\_\_\_  
Susan E. Yardley

# **EXHIBIT C**

1 **FOLEY & LARDNER LLP**  
ONE MARITIME PLAZA, SIXTH FLOOR  
2 SAN FRANCISCO, CA 94111-3409  
TELEPHONE: 415.434.4484  
FACSIMILE: 415.434.4507

3 LAURENCE R. ARNOLD, CA BAR NO. 133715  
EILEEN R. RIDLEY, CA BAR NO. 151735  
4 SCOTT P. INCIARDI, CA BAR NO. 228814  
Attorneys for Respondents and Counter-Petitioners  
5 Stanford Hospital & Clinics and  
Lucile Packard Children's Hospital  
6  
7

8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10

11 **SERVICE EMPLOYEES**  
12 **INTERNATIONAL UNION, LOCAL 715,**

13 **Petitioner and Counter-**  
14 **Respondent,**

15 **v.**

16 **STANFORD HOSPITAL & CLINICS and**  
17 **LUCILE PACKARD CHILDREN'S**  
**HOSPITAL,**

18 **Respondents and Counter-**  
19 **Petitioners.**

**Case No: 5:08-CV-00213-JF**

**NOTICE OF DEPOSITION OF**  
**BRUCE W. SMITH**

**Judge: Hon. Jeremy Fogel**

20 **TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:**

21 **YOU ARE HEREBY NOTIFIED THAT:** the deposition of Bruce W. Smith, alleged  
22 trustee for Service Employees International Union, Local 715, a party to this action, will be taken  
23 stenographically and recorded on audiotape and videotape by respondents and counter-  
24 petitioners Stanford Hospital & Clinics and Lucile Packard Children's Hospital at the law offices  
25 of Foley & Lardner LLP, 975 Page Mill Road, Palo Alto, California 94304 commencing at 10:00  
26 AM on Thursday, June 26, 2008.

27 ///

28 ///

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2 telephone number are as follows:

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9 Dated: June 10, 2008

10 FOLEY & LARDNER LLP  
11 LAURENCE R. ARNOLD  
12 EILEEN R RIDLEY  
13 SCOTT P. INCIARDI

14 By: 

EILEEN R. RIDLEY



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On **June 13, 2008**, I served the foregoing document(s) described as: **NOTICE OF DEPOSITION OF BRUCE W. SMITH, Case No. 5:08-CV-00213-JF**, on the interested parties in this action as follows:

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W. Daniel Boone, Esq.  
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1001 Marina Village Pkwy, Suite 200  
Alameda, CA 94501-1091  
(510) 337-1023

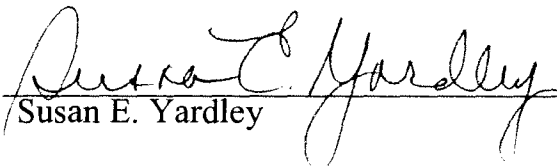
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☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
Susan E. Yardley

# **EXHIBIT D**

**FOLEY & LARDNER LLP**

ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
TELEPHONE: 415.434.4484  
FACSIMILE: 415.434.4507

LAURENCE R. ARNOLD, CA BAR NO. 133715  
EILEEN R. RIDLEY, CA BAR NO. 151735  
SCOTT P. INCIARDI, CA BAR NO. 228814  
Attorneys for Respondents Stanford Hospital & Clinics  
and Lucile Packard Children's Hospital

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715,**

**Petitioner,**

**vs.**

**STANFORD HOSPITAL AND CLINICS  
AND LUCILE PACKARD CHILDREN'S  
HOSPITAL,**

**Respondents.**

**Case No: 5:08-CV-00215-JF**

**NOTICE OF DEPOSITION OF  
BRUCE W. SMITH**

**Judge: Hon. Jeremy Fogel**

TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:

YOU ARE HEREBY NOTIFIED THAT: the deposition of Bruce W. Smith, alleged trustee for Service Employees International Union, Local 715, a party to this action, will be taken stenographically and recorded on audiotape and videotape by respondents Stanford Hospital & Clinics and Lucile Packard Children's Hospital at the law offices of Foley & Lardner LLP, 975 Page Mill Road, Palo Alto, California 94304 commencing at 10:00 AM on Thursday, June 26, 2008.

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9

10 Dated: June 10, 2008

FOLEY & LARDNER LLP  
LAURENCE R. ARNOLD  
EILEEN R RIDLEY  
SCOTT P. INCIARDI

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12

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By: 

EILEEN R. RIDLEY

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☒ **BY THE FOLLOWING MEANS:**

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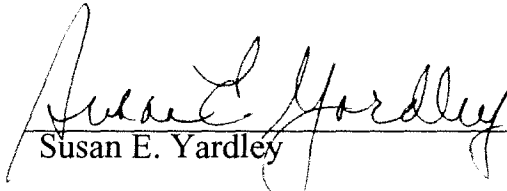
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☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
\_\_\_\_\_  
Susan E. Yardley

# **EXHIBIT E**

**FOLEY & LARDNER LLP**

ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
TELEPHONE: 415.434.4484  
FACSIMILE: 415.434.4507

LAURENCE R. ARNOLD, CA BAR NO. 133715  
EILEEN R. RIDLEY, CA BAR NO. 151735  
SCOTT P. INCIARDI, CA BAR NO. 228814  
Attorneys for Respondents Stanford Hospital & Clinics  
and Lucile Packard Children's Hospital

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715,**

**Petitioner,**

**vs.**

**STANFORD HOSPITAL AND CLINICS  
AND LUCILE PACKARD CHILDREN'S  
HOSPITAL,**

**Respondents.**

**Case No: 5:08-CV-00216-JF**

**NOTICE OF DEPOSITION OF  
BRUCE W. SMITH**

**Judge: Hon. Jeremy Fogel**

**TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:**

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8  
9 Dated: June 10, 2008

10 FOLEY & LARDNER LLP  
11 LAURENCE R. ARNOLD  
12 EILEEN R RIDLEY  
13 SCOTT P. INCIARDI

14 By: 

EILEEN R. RIDLEY



**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

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☒ **BY THE FOLLOWING MEANS:**

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Bruce A. Harland, Esq.  
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1001 Marina Village Pkwy, Suite 200  
Alameda, CA 94501-1091  
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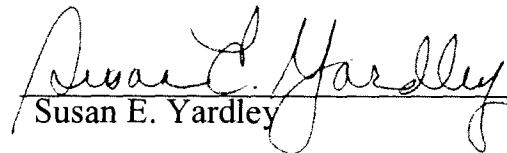
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☒ Executed on **June 13, 2008**, at **San Francisco, California**.

☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
Susan E. Yardley

# **EXHIBIT F**

**FOLEY & LARDNER LLP**

ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
TELEPHONE: 415.434.4484  
FACSIMILE: 415.434.4507

LAURENCE R. ARNOLD, CA BAR NO. 133715  
EILEEN R. RIDLEY, CA BAR NO. 151735  
SCOTT P. INCIARDI, CA BAR NO. 228814  
Attorneys for Respondents Stanford Hospital & Clinics  
and Lucile Packard Children's Hospital

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715,**

**Petitioner,**

**vs.**

**STANFORD HOSPITAL AND CLINICS  
AND LUCILE PACKARD CHILDREN'S  
HOSPITAL,**

**Respondents.**

**Case No: 5:08-CV-01726-JF**

**NOTICE OF DEPOSITION OF  
BRUCE W. SMITH**

**Judge: Hon. Jeremy Fogel**

TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:

YOU ARE HEREBY NOTIFIED THAT: the deposition of Bruce W. Smith, alleged trustee for Service Employees International Union, Local 715, a party to this action, will be taken stenographically and recorded on audiotape and videotape by respondents Stanford Hospital & Clinics and Lucile Packard Children's Hospital at the law offices of Foley & Lardner LLP, 975 Page Mill Road, Palo Alto, California 94304 commencing at 10:00 AM on Thursday, June 26, 2008.

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3 2302 Zanker Road

4 San Jose, CA, 95131

5 408.594.8715

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8  
9 Dated: June 10, 2008

FOLEY & LARDNER LLP  
LAURENCE R. ARNOLD  
EILEEN R RIDLEY  
SCOTT P. INCIARDI

10  
11  
12  
13  
14 By: 

EILEEN R. RIDLEY

**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **June 13, 2008**, I served the foregoing document(s) described as: **NOTICE OF DEPOSITION OF BRUCE W. SMITH, Case No. 5:08-CV-01726-JF**, on the interested parties in this action as follows:

☒ **BY THE FOLLOWING MEANS:**

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

William Sokol, Esq.  
W. Daniel Boone, Esq.  
Bruce A. Harland, Esq.  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Pkwy, Suite 200  
Alameda, CA 94501-1091  
(510) 337-1023

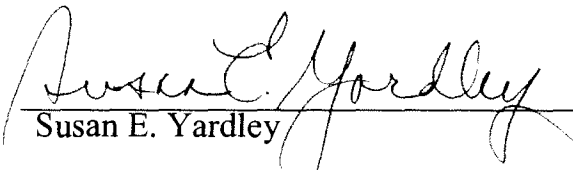
☒ **BY EXPRESS SERVICE CARRIER (Via Overnight Courier Service)**

☒ I am readily familiar with the firm's practice for collection and processing of correspondence for delivery by Federal Express: collected packages are picked up by an express carrier representative on the same day, with the Airbill listing the account number for billing to sender, at **San Francisco, California**, in the ordinary course of business. I placed the envelope(s) in an envelope or package designated by the express service carrier for collection and processing for express service delivery on the above date following ordinary business practices.

☒ Executed on **June 13, 2008**, at **San Francisco, California**.

☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
Susan E. Yardley

# **EXHIBIT G**

**FOLEY & LARDNER LLP**

ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
TELEPHONE: 415.434.4484  
FACSIMILE: 415.434.4507

LAURENCE R. ARNOLD, CA BAR NO. 133715  
EILEEN R. RIDLEY, CA BAR NO. 151735  
SCOTT P. INCIARDI, CA BAR NO. 228814

Attorneys for Respondents Stanford Hospital & Clinics  
and Lucile Packard Children's Hospital

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715,**

**Petitioner,**

**vs.**

**STANFORD HOSPITAL AND CLINICS  
AND LUCILE PACKARD CHILDREN'S  
HOSPITAL,**

**Respondents.**

**Case No: 5:08-CV-01727-JF**

**NOTICE OF DEPOSITION OF  
BRUCE W. SMITH**

**Judge: Hon. Jeremy Fogel**

**TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:**

**YOU ARE HEREBY NOTIFIED THAT:** the deposition of Bruce W. Smith, alleged trustee for Service Employees International Union, Local 715, a party to this action, will be taken stenographically and recorded on audiotape and videotape by respondents Stanford Hospital & Clinics and Lucile Packard Children's Hospital at the law offices of Foley & Lardner LLP, 975 Page Mill Road, Palo Alto, California 94304 commencing at 10:00 AM on Thursday, June 26, 2008.

///

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1 So far as known to the deposing party, the deponent's alleged business address and  
2 telephone number are as follows:

3 2302 Zanker Road

4 San Jose, CA, 95131

5 408.594.8715

6 A list of all parties or attorneys for parties on whom this Notice of Deposition is being  
7 served is shown on the accompanying Proof of Service.

8  
9 Dated: June 10, 2008

FOLEY & LARDNER LLP  
LAURENCE R. ARNOLD  
EILEEN R RIDLEY  
SCOTT P. INCIARDI

10  
11  
12  
13  
14 By: 

EILEEN R. RIDLEY



**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **June 13, 2008**, I served the foregoing document(s) described as: **NOTICE OF DEPOSITION OF BRUCE W. SMITH, Case No. 5:08-CV-01727-JF**, on the interested parties in this action as follows:

☒ **BY THE FOLLOWING MEANS:**

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

William Sokol, Esq.  
W. Daniel Boone, Esq.  
Bruce A. Harland, Esq.  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Pkwy, Suite 200  
Alameda, CA 94501-1091  
(510) 337-1023

☒ **BY EXPRESS SERVICE CARRIER (Via Overnight Courier Service)**

☒ I am readily familiar with the firm's practice for collection and processing of correspondence for delivery by Federal Express: collected packages are picked up by an express carrier representative on the same day, with the Airbill listing the account number for billing to sender, at **San Francisco, California**, in the ordinary course of business. I placed the envelope(s) in an envelope or package designated by the express service carrier for collection and processing for express service delivery on the above date following ordinary business practices.

☒ Executed on **June 13, 2008**, at **San Francisco, California**.

☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
Susan E. Yardley

# **EXHIBIT H**

1 **FOLEY & LARDNER LLP**  
ONE MARITIME PLAZA, SIXTH FLOOR  
2 SAN FRANCISCO, CA 94111-3409  
TELEPHONE: 415.434.4484  
FACSIMILE: 415.434.4507

3 LAURENCE R. ARNOLD, CA BAR NO. 133715  
EILEEN R. RIDLEY, CA BAR NO. 151735  
4 SCOTT P. INCIARDI, CA BAR NO. 228814  
Attorneys for Petitioners Stanford Hospital & Clinics  
5 and Lucile Packard Children's Hospital

6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10

11 **STANFORD HOSPITAL & CLINICS and**  
12 **LUCILE PACKARD CHILDREN'S**  
13 **HOSPITAL**

14 **Petitioners,**

15 **v.**

16 **SERVICE EMPLOYEES**  
**INTERNATIONAL UNION, LOCAL 715**

17 **Respondent.**  
18

**Case No: 5:07-CV-05158-JF**

**NOTICE OF DEPOSITION OF**  
**MYRIAM ESCAMILLA**

**Judge: Hon. Jeremy Fogel**  
19

20 **TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:**

21 **YOU ARE HEREBY NOTIFIED THAT:** the deposition of Myriam Escamilla will be  
22 taken stenographically and recorded on audiotape and videotape by petitioners Stanford Hospital  
23 & Clinics and Lucile Packard Children's Hospital at the law offices of Foley & Lardner LLP,  
24 975 Page Mill Road, Palo Alto, California 94304 commencing at 10:00 AM on Wednesday, July  
25 2, 2008.

26 ///

27 ///

28 ///

1 YOU ARE FURTHER NOTIFIED THAT the deponent is not a party to this action. So  
2 far as known to the deposing party, the deponent's alleged business address and telephone  
3 number are as follows:

4 2302 Zanker Road  
5 San Jose, CA, 95131  
6 408.594.8715

7 Said deponent has been served with a deposition subpoena. A copy of the deposition  
8 subpoena is attached hereto and served herewith.

9 A list of all parties or attorneys for parties on whom this Notice of Deposition is being  
10 served is shown on the accompanying Proof of Service.

11 Dated: June 10, 2008

12 FOLEY & LARDNER LLP  
13 LAURENCE R. ARNOLD  
14 EILEEN R RIDLEY  
15 SCOTT P. INCIARDI

16 By: 

17 EILEEN R. RIDLEY  
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**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **June 13, 2008**, I served the foregoing document(s) described as: **NOTICE OF DEPOSITION OF MYRIAM ESCAMILLA, Case No. 5:07-CV-05158-JF**, on the interested parties in this action as follows:

☒ **BY THE FOLLOWING MEANS:**

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

William Sokol, Esq.  
W. Daniel Boone, Esq.  
Bruce A. Harland, Esq.  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Pkwy, Suite 200  
Alameda, CA 94501-1091  
(510) 337-1023

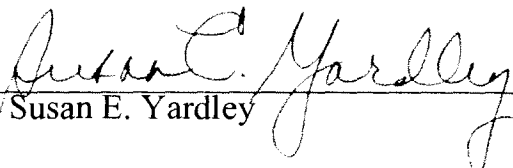
☒ **BY EXPRESS SERVICE CARRIER (Via Overnight Courier Service)**

☒ I am readily familiar with the firm's practice for collection and processing of correspondence for delivery by Federal Express: collected packages are picked up by an express carrier representative on the same day, with the Airbill listing the account number for billing to sender, at **San Francisco, California**, in the ordinary course of business. I placed the envelope(s) in an envelope or package designated by the express service carrier for collection and processing for express service delivery on the above date following ordinary business practices.

☒ Executed on **June 13, 2008**, at **San Francisco, California**.

☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
\_\_\_\_\_  
Susan E. Yardley

# **EXHIBIT I**

**FOLEY & LARDNER LLP**  
ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
TELEPHONE: 415.434.4484  
FACSIMILE: 415.434.4507

LAURENCE R. ARNOLD, CA BAR NO. 133715  
EILEEN R. RIDLEY, CA BAR NO. 151735  
SCOTT P. INCIARDI, CA BAR NO. 228814  
Attorneys for Respondents and Counter-Petitioners  
Stanford Hospital & Clinics and  
Lucile Packard Children's Hospital

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715,**

**Petitioner and Counter-  
Respondent,**

**v.**

**STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL,**

**Respondents and Counter-  
Petitioners.**

**Case No: 5:08-CV-00213-JF**

**NOTICE OF DEPOSITION OF  
MYRIAM ESCAMILLA**

**Judge: Hon Jeremy Fogel**

TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:

YOU ARE HEREBY NOTIFIED THAT: the deposition of Myriam Escamilla will be taken stenographically and recorded on audiotape and videotape by respondents and counter-petitioners Stanford Hospital & Clinics and Lucile Packard Children's Hospital at the law offices of Foley & Lardner LLP, 975 Page Mill Road, Palo Alto, California 94304 commencing at 10:00 AM on Wednesday, July 2, 2008.

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///

1 YOU ARE FURTHER NOTIFIED THAT the deponent is not a party to this action. So  
2 far as known to the deposing party, the deponent's alleged business address and telephone  
3 number are as follows:

4 2302 Zanker Road  
5 San Jose, CA, 95131  
6 408.594.8715

7 Said deponent has been served with a deposition subpoena. A copy of the deposition  
8 subpoena is attached hereto and served herewith.

9 A list of all parties or attorneys for parties on whom this Notice of Deposition is being  
10 served is shown on the accompanying Proof of Service.

11 Dated: June 10, 2008

12 FOLEY & LARDNER LLP  
13 LAURENCE R. ARNOLD  
14 EILEEN R RIDLEY  
15 SCOTT P. INCIARDI

16 By:   
17 EILEEN R. RIDLEY  
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**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **June 13, 2008**, I served the foregoing document(s) described as: **NOTICE OF DEPOSITION OF MYRIAM ESCAMILLA, Case No. 5:08-CV-00213-JF**, on the interested parties in this action as follows:

☒ **BY THE FOLLOWING MEANS:**

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

William Sokol, Esq.  
W. Daniel Boone, Esq.  
Bruce A. Harland, Esq.  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Pkwy, Suite 200  
Alameda, CA 94501-1091  
(510) 337-1023

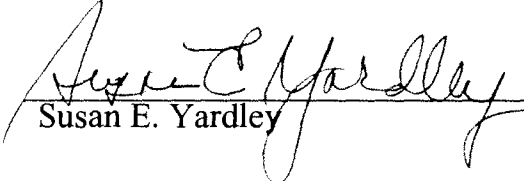
☒ **BY EXPRESS SERVICE CARRIER (Via Overnight Courier Service)**

☒ I am readily familiar with the firm's practice for collection and processing of correspondence for delivery by Federal Express: collected packages are picked up by an express carrier representative on the same day, with the Airbill listing the account number for billing to sender, at **San Francisco, California**, in the ordinary course of business. I placed the envelope(s) in an envelope or package designated by the express service carrier for collection and processing for express service delivery on the above date following ordinary business practices.

☒ Executed on **June 13, 2008**, at **San Francisco, California**.

☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
Susan E. Yardley

# **EXHIBIT J**

**FOLEY & LARDNER LLP**

ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
TELEPHONE: 415.434.4484  
FACSIMILE: 415.434.4507

LAURENCE R. ARNOLD, CA BAR NO. 133715  
EILEEN R. RIDLEY, CA BAR NO. 151735  
SCOTT P. INCIARDI, CA BAR NO. 228814  
Attorneys for Respondents Stanford Hospital & Clinics  
and Lucile Packard Children's Hospital

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715,**

**Petitioner,**

**vs.**

**STANFORD HOSPITAL AND CLINICS  
AND LUCILE PACKARD CHILDREN'S  
HOSPITAL,**

**Respondents.**

**Case No: 5:08-CV-00215-JF**

**NOTICE OF DEPOSITION OF  
MYRIAM ESCAMILLA**

**Judge: Hon. Jeremy Fogel**

TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:

YOU ARE HEREBY NOTIFIED THAT: the deposition of Myriam Escamilla will be taken stenographically and recorded on audiotape and videotape by respondents Stanford Hospital & Clinics and Lucile Packard Children's Hospital at the law offices of Foley & Lardner LLP, 975 Page Mill Road, Palo Alto, California 94304 commencing at 10:00 AM on Wednesday, July 2, 2008.

///

///

///

1 YOU ARE FURTHER NOTIFIED THAT the deponent is not a party to this action. So  
2 far as known to the deposing party, the deponent's alleged business address and telephone  
3 number are as follows:

4 2302 Zanker Road

5 San Jose, CA, 95131

6 408.594.8715

7 Said deponent has been served with a deposition subpoena. A copy of the deposition  
8 subpoena is attached hereto and served herewith.

9 A list of all parties or attorneys for parties on whom this Notice of Deposition is being  
10 served is shown on the accompanying Proof of Service.

11 Dated: June 10, 2008

12 FOLEY & LARDNER LLP  
13 LAURENCE R. ARNOLD  
14 EILEEN R RIDLEY  
15 SCOTT P. INCIARDI

16 By: 

EILEEN R. RIDLEY

**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **June 13, 2008**, I served the foregoing document(s) described as: **NOTICE OF DEPOSITION OF MYRIAM ESCAMILLA, Case No. 5:08-CV-00215-JF**, on the interested parties in this action as follows:

☒ **BY THE FOLLOWING MEANS:**

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

William Sokol, Esq.  
W. Daniel Boone, Esq.  
Bruce A. Harland, Esq.  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Pkwy, Suite 200  
Alameda, CA 94501-1091  
(510) 337-1023

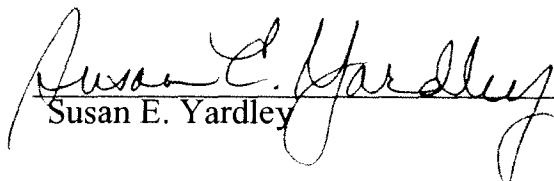
☒ **BY EXPRESS SERVICE CARRIER (Via Overnight Courier Service)**

☒ I am readily familiar with the firm's practice for collection and processing of correspondence for delivery by Federal Express: collected packages are picked up by an express carrier representative on the same day, with the Airbill listing the account number for billing to sender, at **San Francisco, California**, in the ordinary course of business. I placed the envelope(s) in an envelope or package designated by the express service carrier for collection and processing for express service delivery on the above date following ordinary business practices.

☒ Executed on **June 13, 2008**, at **San Francisco, California**.

☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
Susan E. Yardley

# **EXHIBIT K**

**FOLEY & LARDNER LLP**

ONE MARITIME PLAZA, SIXTH FLOOR

SAN FRANCISCO, CA 94111-3409

TELEPHONE: 415.434.4484

FACSIMILE: 415.434.4507

LAURENCE R. ARNOLD, CA BAR NO. 133715

EILEEN R. RIDLEY, CA BAR NO. 151735

SCOTT P. INCIARDI, CA BAR NO. 228814

Attorneys for Respondents Stanford Hospital & Clinics

and Lucile Packard Children's Hospital

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715,**

**Petitioner,**

**vs.**

**STANFORD HOSPITAL AND CLINICS  
AND LUCILE PACKARD CHILDREN'S  
HOSPITAL,**

**Respondents.**

**Case No: 5:08-CV-00216-JF**

**NOTICE OF DEPOSITION OF  
MYRIAM ESCAMILLA**

**Judge: Hon. Jeremy Fogel**

**TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:**

**YOU ARE HEREBY NOTIFIED THAT:** the deposition of Myriam Escamilla will be taken stenographically and recorded on audiotape and videotape by respondents Stanford Hospital & Clinics and Lucile Packard Children's Hospital at the law offices of Foley & Lardner LLP, 975 Page Mill Road, Palo Alto, California 94304 commencing at 10:00 AM on Wednesday, July 2, 2008.

///

///

///

1 YOU ARE FURTHER NOTIFIED THAT the deponent is not a party to this action. So  
2 far as known to the deposing party, the deponent's alleged business address and telephone  
3 number are as follows:

4 2302 Zanker Road  
5 San Jose, CA, 95131  
6 408.594.8715

7 Said deponent has been served with a deposition subpoena. A copy of the deposition  
8 subpoena is attached hereto and served herewith.

9 A list of all parties or attorneys for parties on whom this Notice of Deposition is being  
10 served is shown on the accompanying Proof of Service.

11 Dated: June 10, 2008

12 FOLEY & LARDNER LLP  
13 LAURENCE R. ARNOLD  
14 EILEEN R. RIDLEY  
15 SCOTT P. INCIARDI

16 By: 

EILEEN R. RIDLEY



**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **June 13, 2008**, I served the foregoing document(s) described as: **NOTICE OF DEPOSITION OF MYRIAM ESCAMILLA, Case No. 5:08-CV-00216-JF**, on the interested parties in this action as follows:

☒ BY THE FOLLOWING MEANS:

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

William Sokol, Esq.  
W. Daniel Boone, Esq.  
Bruce A. Harland, Esq.  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Pkwy, Suite 200  
Alameda, CA 94501-1091  
(510) 337-1023

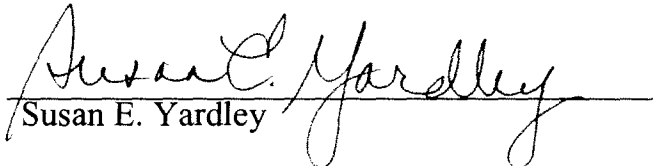
☒ BY EXPRESS SERVICE CARRIER (**Via Overnight Courier Service**)

☒ I am readily familiar with the firm's practice for collection and processing of correspondence for delivery by Federal Express: collected packages are picked up by an express carrier representative on the same day, with the Airbill listing the account number for billing to sender, at **San Francisco, California**, in the ordinary course of business. I placed the envelope(s) in an envelope or package designated by the express service carrier for collection and processing for express service delivery on the above date following ordinary business practices.

☒ Executed on **June 13, 2008**, at **San Francisco, California**.

☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
Susan E. Yardley

# **EXHIBIT L**

**FOLEY & LARDNER LLP**

ONE MARITIME PLAZA, SIXTH FLOOR

SAN FRANCISCO, CA 94111-3409

TELEPHONE: 415.434.4484

FACSIMILE: 415.434.4507

LAURENCE R. ARNOLD, CA BAR NO. 133715

EILEEN R. RIDLEY, CA BAR NO. 151735

SCOTT P. INCIARDI, CA BAR NO. 228814

Attorneys for Respondents Stanford Hospital & Clinics

and Lucile Packard Children's Hospital

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715,**

**Petitioner,**

**vs.**

**STANFORD HOSPITAL AND CLINICS  
AND LUCILE PACKARD CHILDREN'S  
HOSPITAL,**

**Respondents.**

**Case No: 5:08-CV-01726-JF**

**NOTICE OF DEPOSITION OF  
MYRIAM ESCAMILLA**

**Judge: Hon. Jeremy Fogel**

TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:

YOU ARE HEREBY NOTIFIED THAT: the deposition of Myriam Escamilla will be taken stenographically and recorded on audiotape and videotape by respondents Stanford Hospital & Clinics and Lucile Packard Children's Hospital at the law offices of Foley & Lardner LLP, 975 Page Mill Road, Palo Alto, California 94304 commencing at 10:00 AM on Wednesday, July 2, 2008.

///

///

///

1 YOU ARE FURTHER NOTIFIED THAT the deponent is not a party to this action. So  
2 far as known to the deposing party, the deponent's alleged business address and telephone  
3 number are as follows:

4 2302 Zanker Road

5 San Jose, CA, 95131

6 408.594.8715

7 Said deponent has been served with a deposition subpoena. A copy of the deposition  
8 subpoena is attached hereto and served herewith.

9 A list of all parties or attorneys for parties on whom this Notice of Deposition is being  
10 served is shown on the accompanying Proof of Service.

11 Dated: June 10, 2008

12 FOLEY & LARDNER LLP  
13 LAURENCE R. ARNOLD  
14 EILEEN R RIDLEY  
15 SCOTT P. INCIARDI

16 By: 

EILEEN R. RIDLEY

**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **June 13, 2008**, I served the foregoing document(s) described as: **NOTICE OF DEPOSITION OF MYRIAM ESCAMILLA, Case No. 5:08-CV-01726-JF**, on the interested parties in this action as follows:

☒ **BY THE FOLLOWING MEANS:**

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

William Sokol, Esq.  
W. Daniel Boone, Esq.  
Bruce A. Harland, Esq.  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Pkwy, Suite 200  
Alameda, CA 94501-1091  
(510) 337-1023

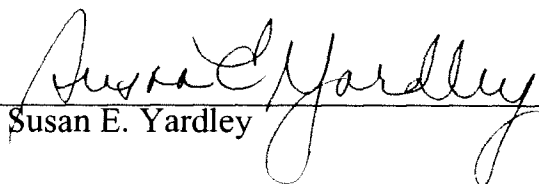
☒ **BY EXPRESS SERVICE CARRIER (Via Overnight Courier Service)**

☒ I am readily familiar with the firm's practice for collection and processing of correspondence for delivery by Federal Express: collected packages are picked up by an express carrier representative on the same day, with the Airbill listing the account number for billing to sender, at **San Francisco, California**, in the ordinary course of business. I placed the envelope(s) in an envelope or package designated by the express service carrier for collection and processing for express service delivery on the above date following ordinary business practices.

☒ Executed on **June 13, 2008**, at **San Francisco, California**.

☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
Susan E. Yardley

# **EXHIBIT M**

**FOLEY & LARDNER LLP**

ONE MARITIME PLAZA, SIXTH FLOOR

SAN FRANCISCO, CA 94111-3409

TELEPHONE: 415.434.4484

FACSIMILE: 415.434.4507

LAURENCE R. ARNOLD, CA BAR NO. 133715

EILEEN R. RIDLEY, CA BAR NO. 151735

SCOTT P. INCIARDI, CA BAR NO. 228814

Attorneys for Respondents Stanford Hospital & Clinics

and Lucile Packard Children's Hospital

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

**SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715,**

**Petitioner,**

**vs.**

**STANFORD HOSPITAL AND CLINICS  
AND LUCILE PACKARD CHILDREN'S  
HOSPITAL,**

**Respondents.**

**Case No: 5:08-CV-01727-JF**

**NOTICE OF DEPOSITION OF  
MYRIAM ESCAMILLA**

**Judge: Hon. Jeremy Fogel**

TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:

YOU ARE HEREBY NOTIFIED THAT: the deposition of Myriam Escamilla will be taken stenographically and recorded on audiotape and videotape by respondents Stanford Hospital & Clinics and Lucile Packard Children's Hospital at the law offices of Foley & Lardner LLP, 975 Page Mill Road, Palo Alto, California 94304 commencing at 10:00 AM on Wednesday, July 2, 2008.

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1 YOU ARE FURTHER NOTIFIED THAT the deponent is not a party to this action. So  
2 far as known to the deposing party, the deponent's alleged business address and telephone  
3 number are as follows:

4 2302 Zanker Road  
5 San Jose, CA, 95131  
6 408.594.8715

7 Said deponent has been served with a deposition subpoena. A copy of the deposition  
8 subpoena is attached hereto and served herewith.

9 A list of all parties or attorneys for parties on whom this Notice of Deposition is being  
10 served is shown on the accompanying Proof of Service.

11 Dated: June 10, 2008

12 FOLEY & LARDNER LLP  
13 LAURENCE R. ARNOLD  
14 EILEEN R RIDLEY  
15 SCOTT P. INCIARDI

16 By:

17   
18 EILEEN R. RIDLEY  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



1 **PROOF OF SERVICE**

2 I am employed in the **County of San Francisco, State of California**. I am over the age  
3 of 18 and not a party to this action; my current business address is **One Maritime Plaza,**  
4 **Sixth Floor, San Francisco, CA 94111-3409.**

5 On **June 13, 2008**, I served the foregoing document(s) described as: **NOTICE OF**  
6 **DEPOSITION OF MYRIAM ESCAMILLA, Case No. 5:08-CV-01727-JF**, on the  
7 interested parties in this action as follows:

8 ☒ **BY THE FOLLOWING MEANS:**

9 I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

10 William Sokol, Esq.  
11 W. Daniel Boone, Esq.  
12 Bruce A. Harland, Esq.  
13 Weinberg, Roger & Rosenfeld  
14 1001 Marina Village Pkwy, Suite 200  
15 Alameda, CA 94501-1091  
16 (510) 337-1023

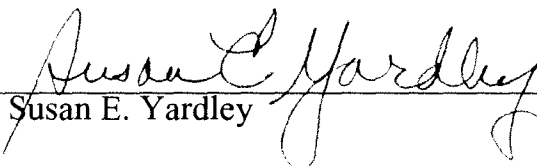
17 ☒ **BY EXPRESS SERVICE CARRIER (Via Overnight Courier Service)**

18 ☒ I am readily familiar with the firm's practice for collection and processing  
19 of correspondence for delivery by Federal Express: collected packages are  
20 picked up by an express carrier representative on the same day, with the  
21 Airbill listing the account number for billing to sender, at **San Francisco,**  
22 **California**, in the ordinary course of business. I placed the envelope(s) in  
23 an envelope or package designated by the express service carrier for  
24 collection and processing for express service delivery on the above date  
25 following ordinary business practices.

26 ☒ Executed on **June 13, 2008**, at **San Francisco, California.**

27 ☒ I declare under penalty of perjury under the laws of the State of California  
28 that the above is true and correct.

☒ I declare that I am employed in the office of a member of the bar of this  
court at whose direction the service was made.

23   
24 Susan E. Yardley

# **EXHIBIT N**

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	<b>FOR COURT USE ONLY</b>
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715, RESPONDENT vs. STANFORD HOSPITAL AND CLINICS AND LUCILE PACKARD CHILDREN'S HOSPITAL	
<b>ATTORNEY (S) NAME &amp; ADDRESS</b> EILEEN R. RIDLEY (415) 434-4484 FOLEY & LARDNER LLP ONE MARITIME PLAZA SAN FRANCISCO, CA 94111 Attorney(s) for: PETITIONERS Ref: 3022954	
<b>DECLARATION OF DUE DILIGENCE</b>	<b>CASE #: 5:07-CV-05158-JF</b>

I, ISMAEL VELASCO, declare that I have personal, first hand knowledge of the following facts, and if called and sworn as a witness, I can and will testify competently thereto. I and any employees or agents retained by NATIONWIDE LEGAL, INC. 1255 POST STREET, SUITE 500, SAN FRANCISCO, CA 94109 (415) 351-0400, are and were on the dates mentioned herein over the age of 18 years and not a party to this action.

On JUNE 13, 2008 Nationwide Legal, Inc. received the following document(s): SUPOENA IN A CIVIL CASE; NOTICE OF DEPOSITION OF MYRIAM ESCAMILLA, to be served on MYRIAM ESCAMILLA, at the following:

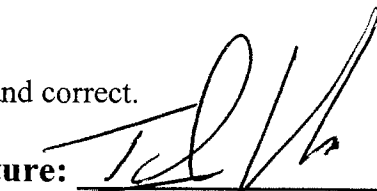
**ATTEMPTED SERVICE AT:** **2302 ZANKER ROAD, SAN JOSE, CA 95131**

06-16-08 AT 1:00PM PER THE RECEPTIONIST THE SUBJECT HAS BOT WORKED HERE FOR TWO YEARS. THE RECEPTIONIST HAS A PHONE NUMBER FOR THE SUBJECT AND BELIEVES SHE WORKS SOMEWHERE IN OAKLAND, CA (510) 869-2264

I declare under penalty of perjury that the foregoing is true and correct.

**Dated: JUNE 25, 2008**

**Signature:**



**ISMAEL VELASCO**

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	<b>FOR COURT USE ONLY</b>
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715, RESPONDENT vs. STANFORD HOSPITAL AND CLINICS AND LUCILE PACKARD CHILDREN'S HOSPITAL	
<b>ATTORNEY (S) NAME &amp; ADDRESS</b> EILEEN R. RIDLEY (415) 434-4484 FOLEY & LARDNER LLP ONE MARITIME PLAZA SAN FRANCISCO, CA 94111 <b>Attorney(s) for:</b> PETITIONERS Ref: 3022954	
<b>DECLARATION OF DUE DILIGENCE</b>	<b>CASE #: 5:07-CV-05158-JF</b>

I, CARLOS CASTRO, declare that I have personal, first hand knowledge of the following facts, and if called and sworn as a witness, I can and will testify competently thereto. I and any employees or agents retained by NATIONWIDE LEGAL, INC. 1255 POST STREET, SUITE 500, SAN FRANCISCO, CA 94109 (415) 351-0400, are and were on the dates mentioned herein over the age of 18 years and not a party to this action. On JUNE 13, 2008 Nationwide Legal, Inc. received the following document(s): SUPOENA IN A CIVIL CASE; NOTICE OF DEPOSITION OF MYRIAM ESCAMILLA, to be served on MYRIAM ESCAMILLA, at the following:

**ATTEMPTED SERVICE AT:** 288 3<sup>RD</sup> STREET, UNIT 217, OAKLAND, CA 94607

06-16-08 AT 6:50PM THIS IS A SECURED APARTMENT BUILDING. THE SUBJECT'S NAME IS LISTED ON THE INTERCOM SYSTEM. I TRIED TO CONTACT THE SUBJECT VIA INTERCOM, BUT THERE WAS NO ANSWER, LEFT A VOICEMAIL FOR THE SUBJECT

06-17-08 AT 7:20AM NO CHANGES, NO ACTIVITY, NO ACCESS TO APARTMENT

06-17-08 AT 8:15AM I CALLED AND MADE AN APPOINTMENT TO HAVE THE SUBJECT ACCEPT SERVICE ON JUNE 18, 2008 BEFORE 8AM

06-18-08 AT 8:45AM THERE WAS NO ANSWER AT THE DOOR, RANG DOORBELL. I WAS INFORMED SHE WILL NOT BE ACCEPTING SERVICE

06-19-08 AT 7:20PM I CALLED THE SUBJECT ON THE INTERCOM THERE WAS NO ANSWER. SECURED BUILDING

06-21-08 AT 10:10AM I GAINED ACCESS BY BEING BUZZED INSIDE THE BUILDING, KNOCKED ON THE DOOR, COULD HEAR VOICES INSIDE. NO ANSWER AT THE DOOR OR BY DOORBELL.

06-22-08 AT 6:35PM GAIN ACCESS TO THE BUILDING, NO ANSWER AT THE DOOR

560 THOMAS L. BERKELEY WAY, OAKLAND, CA 94612

06-19-08 AT 11:10AM THIS LOCATION IS CALLED "UNITED HEALTHCARE WORKERS WEST", PER EMPLOYEE THEY ACCEPTED SERVICE OF PROCESS ON BEHALF OF PEOPLE HOWEVER IT IS JUST A DROP BOX, NO NAME OR TITLE GIVEN UP THE DROPPING THE DOCUMENTS

06-19-08 AT 11:30AM I WALKED BACK INSIDE THE BUSINESS AND NOW IT'S A DIFFERENT RECEPTIONIST SITTING AT THE DESK. PER THE RECEPTIONIST THEY WILL NOT BE RESPONSIBLE FOR ANYTHING IF THE DOCUMENTS WERE TO BE DROPPED

06-20-08 AT 1:10PM PER RECEPTIONIST THEY DO NOT ACCEPT PERSONAL SUBPOENAS

I declare under penalty of perjury that the foregoing is true and correct.

**Dated: JUNE 25, 2008**

**Signature:** \_\_\_\_\_

  
**CARLOS CASTRO**

# **EXHIBIT O**

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	<b>FOR COURT USE ONLY</b>
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715, RESPONDENT vs. STANFORD HOSPITAL AND CLINICS AND LUCILE PACKARD CHILDREN'S HOSPITAL	
<b>ATTORNEY (S) NAME &amp; ADDRESS</b> EILEEN R. RIDLEY (415) 434-4484 FOLEY & LARDNER LLP ONE MARITIME PLAZA SAN FRANCISCO, CA 94111 <b>Attorney(s) for:</b> PETITIONERS Ref: 3022959	
<b>DECLARATION OF DUE DILIGENCE</b>	<b>CASE #: 5:08-CV-00213-JF</b>

I, ISMAEL VELASCO, declare that I have personal, first hand knowledge of the following facts, and if called and sworn as a witness, I can and will testify competently thereto. I and any employees or agents retained by NATIONWIDE LEGAL, INC. 1255 POST STREET, SUITE 500, SAN FRANCISCO, CA 94109 (415) 351-0400, are and were on the dates mentioned herein over the age of 18 years and not a party to this action.

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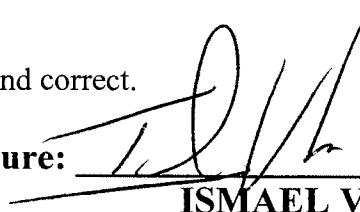
**ATTEMPTED SERVICE AT: 2302 ZANKER ROAD, SAN JOSE, CA 95131**

06-16-08 AT 1:00PM PER THE RECEPTIONIST THE SUBJECT HAS BOT WORKED HERE FOR TWO YEARS. THE RECEPTIONIST HAS A PHONE NUMBER FOR THE SUBJECT AND BELIEVES SHE WORKS SOMEWHERE IN OAKLAND, CA (510) 869-2264

I declare under penalty of perjury that the foregoing is true and correct.

**Dated: JUNE 25, 2008**

**Signature:**



**ISMAEL VELASCO**

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	<b>FOR COURT USE ONLY</b>
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715, RESPONDENT vs. STANFORD HOSPITAL AND CLINICS AND LUCILE PACKARD CHILDREN'S HOSPITAL	
<b>ATTORNEY (S) NAME &amp; ADDRESS</b> EILEEN R. RIDLEY (415) 434-4484 FOLEY & LARDNER LLP ONE MARITIME PLAZA SAN FRANCISCO, CA 94111 <b>Attorney(s) for: PETITIONERS</b> Ref: 3022959	
<b>DECLARATION OF DUE DILIGENCE</b>	<b>CASE #: 5:08-CV-00213-JF</b>

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560 THOMAS L. BERKELEY WAY, OAKLAND, CA 94612

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06-20-08 AT 1:10PM PER RECEPTIONIST THEY DO NOT ACCEPT PERSONAL SUBPOENAS

I declare under penalty of perjury that the foregoing is true and correct.

**Dated: JUNE 25, 2008**

**Signature:**

  
**CARLOS CASTRO**

# **EXHIBIT P**



UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	<b>FOR COURT USE ONLY</b>
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715, RESPONDENT vs. STANFORD HOSPITAL AND CLINICS AND LUCILE PACKARD CHILDREN'S HOSPITAL	
<b>ATTORNEY (S) NAME &amp; ADDRESS</b> EILEEN R. RIDLEY (415) 434-4484 FOLEY & LARDNER LLP ONE MARITIME PLAZA SAN FRANCISCO, CA 94111 Attorney(s) for: PETITIONERS Ref: 3022958	
<b>DECLARATION OF DUE DILIGENCE</b>	<b>CASE #: 5:08-CV-00215-JF</b>

I, ISMAEL VELASCO, declare that I have personal, first hand knowledge of the following facts, and if called and sworn as a witness, I can and will testify competently thereto. I and any employees or agents retained by NATIONWIDE LEGAL, INC. 1255 POST STREET, SUITE 500, SAN FRANCISCO, CA 94109 (415) 351-0400, are and were on the dates mentioned herein over the age of 18 years and not a party to this action.

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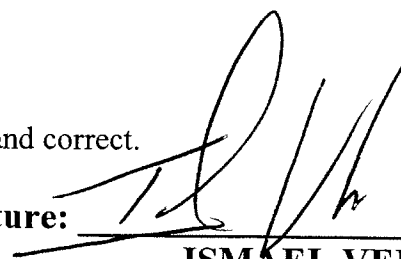
**ATTEMPTED SERVICE AT: 2302 ZANKER ROAD, SAN JOSE, CA 95131**

06-16-08 AT 1:00PM PER THE RECEPTIONIST THE SUBJECT HAS NOT WORKED HERE FOR TWO YEARS. THE RECEPTIONIST HAS A PHONE NUMBER FOR THE SUBJECT AND BELIEVES SHE WORKS SOMEWHERE IN OAKLAND, CA (510) 869-2264

I declare under penalty of perjury that the foregoing is true and correct.

**Dated: JUNE 25, 2008**

**Signature:**



**ISMAEL VELASCO**

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	<b>FOR COURT USE ONLY</b>
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715, RESPONDENT vs. STANFORD HOSPITAL AND CLINICS AND LUCILE PACKARD CHILDREN'S HOSPITAL	
<b>ATTORNEY (S) NAME &amp; ADDRESS</b> EILEEN R. RIDLEY (415) 434-4484 FOLEY & LARDNER LLP ONE MARITIME PLAZA SAN FRANCISCO, CA 94111 <b>Attorney(s) for:</b> PETITIONERS Ref: 3022958	
<b>DECLARATION OF DUE DILIGENCE</b>	<b>CASE #: 5:08-CV-00215-JF</b>

I, CARLOS CASTRO, declare that I have personal, first hand knowledge of the following facts, and if called and sworn as a witness, I can and will testify competently thereto. I and any employees or agents retained by NATIONWIDE LEGAL, INC. 1255 POST STREET, SUITE 500, SAN FRANCISCO, CA 94109 (415) 351-0400, are and were on the dates mentioned herein over the age of 18 years and not a party to this action.

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**ATTEMPTED SERVICE AT: 288 3<sup>RD</sup> STREET, UNIT 217, OAKLAND, CA 94607**

06-16-08 AT 6:50PM	THIS IS A SECURED APARTMENT BUILDING. THE SUBJECT'S NAME IS LISTED ON THE INTERCOM SYSTEM. I TRIED TO CONTACT THE SUBJECT VIA INTERCOM, BUT THERE WAS NO ANSWER, LEFT A VOICEMAIL FOR THE SUBJECT
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	<b><u>560 THOMAS L. BERKELEY WAY, OAKLAND, CA 94612</u></b>
06-19-08 AT 11:10AM	THIS LOCATION IS CALLED "UNITED HEALTHCARE WORKERS WEST", PER EMPLOYEE THEY ACCEPTED SERVICE OF PROCESS ON BEHALF OF PEOPLE HOWEVER IT IS JUST A DROP BOX, NO NAME OR TITLE GIVEN UP THE DROPPING THE DOCUMENTS
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06-20-08 AT 1:10PM	PER RECEPTIONIST THEY DO NOT ACCEPT PERSONAL SUBPOENAS

I declare under penalty of perjury that the foregoing is true and correct.

**Dated: JUNE 19, 2008**

**Signature:**

  
**CARLOS CASTRO**

# **EXHIBIT Q**

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	<b>FOR COURT USE ONLY</b>
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715, RESPONDENT vs. STANFORD HOSPITAL AND CLINICS AND LUCILE PACKARD CHILDREN'S HOSPITAL	
<b>ATTORNEY (S) NAME &amp; ADDRESS</b> EILEEN R. RIDLEY (415) 434-4484 FOLEY & LARDNER LLP ONE MARITIME PLAZA SAN FRANCISCO, CA 94111 <b>Attorney(s) for:</b> PETITIONERS Ref: 3022957	
<b>DECLARATION OF DUE DILIGENCE</b>	<b>CASE #: 5:08-CV-00216-JF</b>

I, ISMAEL VELASCO, declare that I have personal, first hand knowledge of the following facts, and if called and sworn as a witness, I can and will testify competently thereto. I and any employees or agents retained by NATIONWIDE LEGAL, INC. 1255 POST STREET, SUITE 500, SAN FRANCISCO, CA 94109 (415) 351-0400, are and were on the dates mentioned herein over the age of 18 years and not a party to this action.

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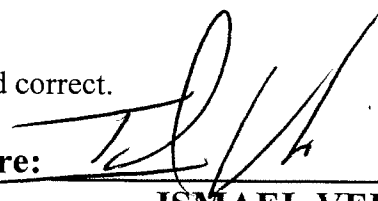
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I declare under penalty of perjury that the foregoing is true and correct.

**Dated: JUNE 25, 2008**

**Signature:**



**ISMAEL VELASCO**

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	<b>FOR COURT USE ONLY</b>
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715, RESPONDENT vs. STANFORD HOSPITAL AND CLINICS AND LUCILE PACKARD CHILDREN'S HOSPITAL	
<b>ATTORNEY (S) NAME &amp; ADDRESS</b> EILEEN R. RIDLEY (415) 434-4484 FOLEY & LARDNER LLP ONE MARITIME PLAZA SAN FRANCISCO, CA 94111 Attorney(s) for: PETITIONERS Ref: 3022957	
<b>DECLARATION OF DUE DILIGENCE</b>	<b>CASE #: 5:08-CV-00216-JF</b>

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06-20-08 AT 1:10PM PER RECEPTIONIST THEY DO NOT ACCEPT PERSONAL SUBPOENAS

I declare under penalty of perjury that the foregoing is true and correct.

**Dated: JUNE 25, 2008**

**Signature:**

  
**CARLOS CASTRO**

# **EXHIBIT R**

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	<b>FOR COURT USE ONLY</b>
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715, RESPONDENT vs. STANFORD HOSPITAL AND CLINICS AND LUCILE PACKARD CHILDREN'S HOSPITAL	
<b>ATTORNEY (S) NAME &amp; ADDRESS</b> EILEEN R. RIDLEY (415) 434-4484 FOLEY & LARDNER LLP ONE MARITIME PLAZA SAN FRANCISCO, CA 94111 <b>Attorney(s) for:</b> PETITIONERS Ref: 3022956	
<b>DECLARATION OF DUE DILIGENCE</b>	<b>CASE #: 5:08-CV-01726-JF</b>

I, ISMAEL VELASCO, declare that I have personal, first hand knowledge of the following facts, and if called and sworn as a witness, I can and will testify competently thereto. I and any employees or agents retained by NATIONWIDE LEGAL, INC. 1255 POST STREET, SUITE 500, SAN FRANCISCO, CA 94109 (415) 351-0400, are and were on the dates mentioned herein over the age of 18 years and not a party to this action.

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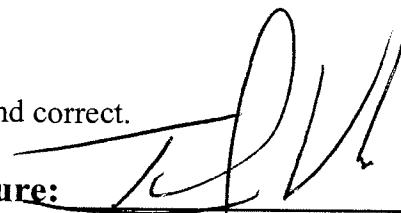
**ATTEMPTED SERVICE AT:** **2302 ZANKER ROAD, SAN JOSE, CA 95131**

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I declare under penalty of perjury that the foregoing is true and correct.

**Dated: JUNE 25, 2008**

**Signature:**



**ISMAEL VELASCO**

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	<b>FOR COURT USE ONLY</b>
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715, RESPONDENT vs. STANFORD HOSPITAL AND CLINICS AND LUCILE PACKARD CHILDREN'S HOSPITAL	
<b>ATTORNEY (S) NAME &amp; ADDRESS</b> EILEEN R. RIDLEY (415) 434-4484 FOLEY & LARDNER LLP ONE MARITIME PLAZA SAN FRANCISCO, CA 94111 <b>Attorney(s) for: PETITIONERS</b> Ref: 3022956	
<b>DECLARATION OF DUE DILIGENCE</b>	<b>CASE #: 5:08-CV-01726-JF</b>

I, CARLOS CASTRO, declare that I have personal, first hand knowledge of the following facts, and if called and sworn as a witness, I can and will testify competently thereto. I and any employees or agents retained by NATIONWIDE LEGAL, INC. 1255 POST STREET, SUITE 500, SAN FRANCISCO, CA 94109 (415) 351-0400, are and were on the dates mentioned herein over the age of 18 years and not a party to this action.

On JUNE 13, 2008 Nationwide Legal, Inc. received the following document(s): SUPOENA IN A CIVIL CASE; NOTICE OF DEPOSITION OF MYRIAM ESCAMILLA, to be served on MYRIAM ESCAMILLA, at the following:

**ATTEMPTED SERVICE AT:**

**288 3<sup>RD</sup> STREET, UNIT 217, OAKLAND, CA 94607**

06-16-08 AT 6:50PM	THIS IS A SECURED APARTMENT BUILDING. THE SUBJECT'S NAME IS LISTED ON THE INTERCOM SYSTEM. I TRIED TO CONTACT THE SUBJECT VIA INTERCOM, BUT THERE WAS NO ANSWER, LEFT A VOICEMAIL FOR THE SUBJECT
06-17-08 AT 7:20AM	NO CHANGES, NO ACTIVITY, NO ACCESS TO APARTMENT
06-17-08 AT 8:15AM	I CALLED AND MADE AN APPOINTMENT TO HAVE THE SUBJECT ACCEPT SERVICE ON JUNE 18, 2008 BEFORE 8AM
06-18-08 AT 8:45AM	THERE WAS NO ANSWER AT THE DOOR, RANG DOORBELL. I WAS INFORMED SHE WILL NOT BE ACCEPTING SERVICE
06-19-08 AT 7:20PM	I CALLED THE SUBJECT ON THE INTERCOM THERE WAS NO ANSWER. SECURED BUILDING
06-21-08 AT 10:10AM	I GAINED ACCESS BY BEING BUZZED INSIDE THE BUILDING, KNOCKED ON THE DOOR, COULD HEAR VOICES INSIDE. NO ANSWER AT THE DOOR OR BY DOORBELL.
06-22-08 AT 6:35PM	GAIN ACCESS TO THE BUILDING, NO ANSWER AT THE DOOR
	<b><u>560 THOMAS L. BERKELEY WAY, OAKLAND, CA 94612</u></b>
06-19-08 AT 11:10AM	THIS LOCATION IS CALLED "UNITED HEALTHCARE WORKERS WEST", PER EMPLOYEE THEY ACCEPTED SERVICE OF PROCESS ON BEHALF OF PEOPLE HOWEVER IT IS JUST A DROP BOX, NO NAME OR TITLE GIVEN UP THE DROPPING THE DOCUMENTS
06-19-08 AT 11:30AM	I WALKED BACK INSIDE THE BUSINESS AND NOW IT'S A DIFFERENT RECEPTIONIST SITTING AT THE DESK. PER THE RECEPTIONIST THEY WILL NOT BE RESPONSIBLE FOR ANYTHING IF THE DOCUMENTS WERE TO BE DROPPED
06-20-08 AT 1:10PM	PER RECEPTIONIST THEY DO NOT ACCEPT PERSONAL SUBPOENAS

I declare under penalty of perjury that the foregoing is true and correct.

**Dated: JUNE 25, 2008**

**Signature:**

  
**CARLOS CASTRO**



# **EXHIBIT S**

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	<b>FOR COURT USE ONLY</b>
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715, RESPONDENT vs. STANFORD HOSPITAL AND CLINICS AND LUCILE PACKARD CHILDREN'S HOSPITAL	
<b>ATTORNEY (S) NAME &amp; ADDRESS</b> EILEEN R. RIDLEY (415) 434-4484 FOLEY & LARDNER LLP ONE MARITIME PLAZA SAN FRANCISCO, CA 94111 <b>Attorney(s) for:</b> PETITIONERS Ref: 3022955	
<b>DECLARATION OF DUE DILIGENCE</b>	<b>CASE #: 5:08-CV-01727-JF</b>

I, ISMAEL VELASCO, declare that I have personal, first hand knowledge of the following facts, and if called and sworn as a witness, I can and will testify competently thereto. I and any employees or agents retained by NATIONWIDE LEGAL, INC. 1255 POST STREET, SUITE 500, SAN FRANCISCO, CA 94109 (415) 351-0400, are and were on the dates mentioned herein over the age of 18 years and not a party to this action.

On JUNE 13, 2008 Nationwide Legal, Inc. received the following document(s): SUPOENA IN A CIVIL CASE; NOTICE OF DEPOSITION OF MYRIAM ESCAMILLA, to be served on MYRIAM ESCAMILLA, at the following:

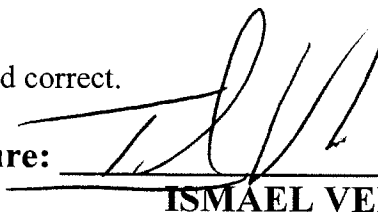
**ATTEMPTED SERVICE AT:** **2302 ZANKER ROAD, SAN JOSE, CA 95131**

06-16-08 AT 1:00PM PER THE RECEPTIONIST THE SUBJECT HAS NOT WORKED HERE FOR TWO YEARS. THE RECEPTIONIST HAS A PHONE NUMBER FOR THE SUBJECT AND BELIEVES SHE WORKS SOMEWHERE IN OAKLAND, CA (510) 869-2264

I declare under penalty of perjury that the foregoing is true and correct.

**Dated: JUNE 25, 2008**

**Signature:**



**ISMAEL VELASCO**

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	<b>FOR COURT USE ONLY</b>
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715, RESPONDENT vs. STANFORD HOSPITAL AND CLINICS AND LUCILE PACKARD CHILDREN'S HOSPITAL	
<b>ATTORNEY (S) NAME &amp; ADDRESS</b> EILEEN R. RIDLEY (415) 434-4484 FOLEY & LARDNER LLP ONE MARITIME PLAZA SAN FRANCISCO, CA 94111 <b>Attorney(s) for:</b> PETITIONERS Ref: 3022955	
<b>DECLARATION OF DUE DILIGENCE</b>	<b>CASE #: 5:08-CV-01727-JF</b>

I, CARLOS CASTRO, declare that I have personal, first hand knowledge of the following facts, and if called and sworn as a witness, I can and will testify competently thereto. I and any employees or agents retained by NATIONWIDE LEGAL, INC. 1255 POST STREET, SUITE 500, SAN FRANCISCO, CA 94109 (415) 351-0400, are and were on the dates mentioned herein over the age of 18 years and not a party to this action. On JUNE 13, 2008 Nationwide Legal, Inc. received the following document(s): SUPOENA IN A CIVIL CASE; NOTICE OF DEPOSITION OF MYRIAM ESCAMILLA, to be served on MYRIAM ESCAMILLA, at the following:

**ATTEMPTED SERVICE AT: 288 3<sup>RD</sup> STREET, UNIT 217, OAKLAND, CA 94607**

06-16-08 AT 6:50PM THIS IS A SECURED APARTMENT BUILDING. THE SUBJECT'S NAME IS LISTED ON THE INTERCOM SYSTEM. I TRIED TO CONTACT THE SUBJECT VIA INTERCOM, BUT THERE WAS NO ANSWER, LEFT A VOICEMAIL FOR THE SUBJECT

06-17-08 AT 7:20AM NO CHANGES, NO ACTIVITY, NO ACCESS TO APARTMENT

06-17-08 AT 8:15AM I CALLED AND MADE AN APPOINTMENT TO HAVE THE SUBJECT ACCEPT SERVICE ON JUNE 18, 2008 BEFORE 8AM

06-18-08 AT 8:45AM THERE WAS NO ANSWER AT THE DOOR, RANG DOORBELL. I WAS INFORMED SHE WILL NOT BE ACCEPTING SERVICE

06-19-08 AT 7:20PM I CALLED THE SUBJECT ON THE INTERCOM THERE WAS NO ANSWER. SECURED BUILDING

06-21-08 AT 10:10AM I GAINED ACCESS BY BEING BUZZED INSIDE THE BUILDING, KNOCKED ON THE DOOR, COULD HEAR VOICES INSIDE. NO ANSWER AT THE DOOR OR BY DOORBELL.

06-22-08 AT 6:35PM GAIN ACCESS TO THE BUILDING, NO ANSWER AT THE DOOR

**560 THOMAS L. BERKELEY WAY, OAKLAND, CA 94612**

06-19-08 AT 11:10AM THIS LOCATION IS CALLED "UNITED HEALTHCARE WORKERS WEST", PER EMPLOYEE THEY ACCEPTED SERVICE OF PROCESS ON BEHALF OF PEOPLE HOWEVER IT IS JUST A DROP BOX, NO NAME OR TITLE GIVEN UP THE DROPPING THE DOCUMENTS

06-19-08 AT 11:30AM I WALKED BACK INSIDE THE BUSINESS AND NOW IT'S A DIFFERENT RECEPTIONIST SITTING AT THE DESK. PER THE RECEPTIONIST THEY WILL NOT BE RESPONSIBLE FOR ANYTHING IF THE DOCUMENTS WERE TO BE DROPPED

06-20-08 AT 1:10PM PER RECEPTIONIST THEY DO NOT ACCEPT PERSONAL SUBPOENAS

I declare under penalty of perjury that the foregoing is true and correct.

**Dated: JUNE 25, 2008**

**Signature:**

  
**CARLOS CASTRO**

# **EXHIBIT T**

SAO88 (Rev. 12/07) Subpoena in a Civil Case

## UNITED STATES DISTRICT COURT

Northern District of California

Stanford Hospital And Clinics And Lucile  
Packard Children's Hospital, Petitioners

## SUBPOENA IN A CIVIL CASE

V.

Service Employees International Union, Local  
715, RespondentCase Number:<sup>1</sup> 5:07-CV-05158-JF

TO:

Myriam Escamilla

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

- ☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
975 Page Mill Road, Palo Alto, California 94304	July 2, 2008, 10:00 AM

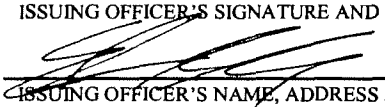
- ☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
 Attorney for Petitioners	June 10, 2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER  
Eileen R. Ridley, Foley & Lardner LLP, One Maritime Plaza, San Francisco, California 94111, 415.434.4484

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

---

**PROOF OF SERVICE**


---

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

---

**DECLARATION OF SERVER**


---

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

---

**Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:**


---

**(c) Protecting a Person Subject to a Subpoena.**

(1) **Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) **Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) **Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) **When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) **When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial

(C) **Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

(1) **Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) **Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) CONTEMPT.**

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

# **EXHIBIT U**

AO88 (Rev. 12/07) Subpoena in a Civil Case

## UNITED STATES DISTRICT COURT

Northern District of California

Service Employees International Union, Local  
715, Petitioner

V.

Stanford Hospital And Clinics And Lucile  
Packard Children's Hospital, Respondents

## SUBPOENA IN A CIVIL CASE

Case Number:<sup>1</sup> 5:08-CV-00213-JF

TO:

Myriam Escamilla

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

975 Page Mill Road, Palo Alto, California 94304

July 2, 2008, 10:00 AM

- ☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Respondents

June 10, 2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Eileen R. Ridley, Foley &amp; Lardner LLP, One Maritime Plaza, San Francisco, California 94111, 415.434.4484

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.



AO88 (Rev. 12/07) Subpoena in a Civil Case (Page 2)

## PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

## Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

## (c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

## (2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

## (3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

## (d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

## (2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

## (e) CONTEMPT.

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

# **EXHIBIT V**

AO88 (Rev. 12/07) Subpoena in a Civil Case

## UNITED STATES DISTRICT COURT

Northern District of California

Service Employees International Union, Local  
715, Petitioner

V.

Stanford Hospital And Clinics And Lucile  
Packard Children's Hospital, Respondents

## SUBPOENA IN A CIVIL CASE

Case Number:<sup>1</sup> 5:08-CV-00215-JF

TO:

Myriam Escamilla

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

975 Page Mill Road, Palo Alto, California 94304

July 2, 2008, 10:00 AM

- ☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Respondents

June 10, 2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Eileen R. Ridley, Foley &amp; Lardner LLP, One Maritime Plaza, San Francisco, California 94111, 415.434.4484

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

AO88 (Rev. 12/07) Subpoena in a Civil Case (Page 2)

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**PROOF OF SERVICE**


---

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

---

**DECLARATION OF SERVER**


---

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

---

**Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:**


---

**(c) Protecting a Person Subject to a Subpoena.**

(1) **Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) **Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) **Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) **When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) **When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial

(C) **Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

(1) **Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) **Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) CONTEMPT.**

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

# **EXHIBIT W**

AO88 (Rev. 12/07) Subpoena in a Civil Case

## UNITED STATES DISTRICT COURT

Northern District of California

Service Employees International Union, Local  
715, Petitioner

V.

Stanford Hospital And Clinics And Lucile  
Packard Children's Hospital, Respondents

## SUBPOENA IN A CIVIL CASE

Case Number:<sup>1</sup> 5:08-CV-00216-JF

TO:

Myriam Escamilla

- ☐
- YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☒
- YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

975 Page Mill Road, Palo Alto, California 94304

July 2, 2008, 10:00 AM

- ☐
- YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

- ☐
- YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Respondents

June 10, 2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Eileen R. Ridley, Foley &amp; Lardner LLP, One Maritime Plaza, San Francisco, California 94111, 415.434.4484

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

AO88 (Rev. 12/07) Subpoena in a Civil Case (Page 2)

## PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

## Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

## (c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

## (2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

## (3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

## (d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

## (2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

## (e) CONTEMPT.

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).



# **EXHIBIT X**



AO88 (Rev. 12/07) Subpoena in a Civil Case

## UNITED STATES DISTRICT COURT

Northern District of California

Service Employees International Union, Local  
715, Petitioner

V.

Stanford Hospital And Clinics And Lucile  
Packard Children's Hospital, Respondents

## SUBPOENA IN A CIVIL CASE

Case Number:<sup>1</sup> 5:08-CV-01726-JF

TO:

Myriam Escamilla

- ☐
- YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☒
- YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

975 Page Mill Road, Palo Alto, California 94304

July 2, 2008, 10:00 AM

- ☐
- YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

- ☐
- YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Respondents

June 10, 2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Eileen R. Ridley, Foley &amp; Lardner LLP, One Maritime Plaza, San Francisco, California 94111, 415.434.4484

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

AO88 (Rev. 12/07) Subpoena in a Civil Case (Page 2)

## PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

**(c) Protecting a Person Subject to a Subpoena.**

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) CONTEMPT.**

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

# **EXHIBIT Y**

AO88 (Rev. 12/07) Subpoena in a Civil Case

## UNITED STATES DISTRICT COURT

Northern District of California

Service Employees International Union, Local  
715, Petitioner

V.

Stanford Hospital And Clinics And Lucile  
Packard Children's Hospital, Respondents

## SUBPOENA IN A CIVIL CASE

Case Number:<sup>1</sup> 5:08-CV-01727-JF

TO:

Myriam Escamilla

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

975 Page Mill Road, Palo Alto, California 94304

July 2, 2008, 10:00 AM

- ☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Respondents

June 10, 2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Eileen R. Ridley, Foley &amp; Lardner LLP, One Maritime Plaza, San Francisco, California 94111, 415.434.4484

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

AO88 (Rev. 12/07) Subpoena in a Civil Case (Page 2)

## PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

## Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

## (c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

## (2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

## (3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

## (d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

## (2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

## (e) CONTEMPT.

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

# **EXHIBIT Z**

**FOLEY & LARDNER LLP**  
ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
TELEPHONE: 415.434.4484  
FACSIMILE: 415.434.4507

LAURENCE R. ARNOLD, CA BAR NO. 133715  
EILEEN R. RIDLEY, CA BAR NO. 151735  
SCOTT P. INCIARDI, CA BAR NO. 228814  
Attorneys for Petitioners Stanford Hospital & Clinics  
and Lucile Packard Children's Hospital

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**STANFORD HOSPITAL & CLINICS and**  
**LUCILE PACKARD CHILDREN'S**  
**HOSPITAL**

**Petitioners,**

**v.**

**SERVICE EMPLOYEES**  
**INTERNATIONAL UNION, LOCAL 715**

**Respondent.**

**Case No: 5:07-CV-05158-JF**

**NOTICE OF DEPOSITION OF**  
**KRISTY SERMERSHEIM**

**Judge: Hon. Jeremy Fogel**

TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:

YOU ARE HEREBY NOTIFIED THAT: the deposition of Kristy Sermersheim will be taken stenographically and recorded on audiotape and videotape by petitioners Stanford Hospital & Clinics and Lucile Packard Children's Hospital at the law offices of Foley & Lardner LLP, 975 Page Mill Road, Palo Alto, California 94304 commencing at 10:00 AM on Tuesday, July 1, 2008.

///

///

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1 YOU ARE FURTHER NOTIFIED THAT the deponent is not a party to this action. So  
2 far as known to the deposing party, the deponent's alleged business address is as follows:

3 2302 Zanker Road

4 San Jose, CA, 95131

5 Said deponent has been served with a deposition subpoena. A copy of the deposition  
6 subpoena is attached hereto and served herewith.

7 A list of all parties or attorneys for parties on whom this Notice of Deposition is being  
8 served is shown on the accompanying Proof of Service.

9  
10 Dated: June 12, 2008

11 FOLEY & LARDNER LLP  
12 LAURENCE R. ARNOLD  
13 EILEEN R RIDLEY  
14 SCOTT P. INCIARDI

15 By:

16   
17 SCOTT P. INCIARDI  
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**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **June 13, 2008**, I served the foregoing document(s) described as: **NOTICE OF DEPOSITION OF KRISTY SERMERSHEIM, Case No. 5:07-CV-05158-JF**, on the interested parties in this action as follows:

☒ **BY THE FOLLOWING MEANS:**

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

William Sokol, Esq.  
W. Daniel Boone, Esq.  
Bruce A. Harland, Esq.  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Pkwy, Suite 200  
Alameda, CA 94501-1091  
(510) 337-1023

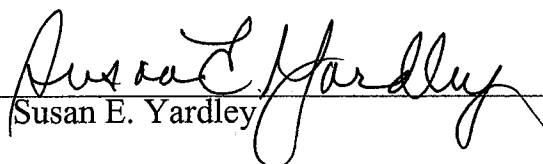
☒ **BY EXPRESS SERVICE CARRIER (Via Overnight Courier Service)**

☒ I am readily familiar with the firm's practice for collection and processing of correspondence for delivery by Federal Express: collected packages are picked up by an express carrier representative on the same day, with the Airbill listing the account number for billing to sender, at **San Francisco, California**, in the ordinary course of business. I placed the envelope(s) in an envelope or package designated by the express service carrier for collection and processing for express service delivery on the above date following ordinary business practices.

☒ Executed on **June 13, 2008**, at **San Francisco, California**.

☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
Susan E. Yardley

# **EXHIBIT AA**

**FOLEY & LARDNER LLP**  
ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
TELEPHONE: 415.434.4484  
FACSIMILE: 415.434.4507

LAURENCE R. ARNOLD, CA BAR NO. 133715  
EILEEN R. RIDLEY, CA BAR NO. 151735  
SCOTT P. INCIARDI, CA BAR NO. 228814  
Attorneys for Respondents and Counter-Petitioners  
Stanford Hospital & Clinics and  
Lucile Packard Children's Hospital

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715,**

**Petitioner and Counter-  
Respondent,**

**v.**

**STANFORD HOSPITAL & CLINICS and  
LUCILE PACKARD CHILDREN'S  
HOSPITAL,**

**Respondents and Counter-  
Petitioners.**

**Case No: 5:08-CV-00213-JF**

**NOTICE OF DEPOSITION OF  
KRISTY SERMERSHEIM**

**Judge: Hon Jeremy Fogel**

**TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:**

**YOU ARE HEREBY NOTIFIED THAT:** the deposition of Kristy Sermersheim will be taken stenographically and recorded on audiotape and videotape by petitioners and counter-respondents Stanford Hospital & Clinics and Lucile Packard Children's Hospital at the law offices of Foley & Lardner LLP, 975 Page Mill Road, Palo Alto, California 94304 commencing at 10:00 AM on Tuesday, July 1, 2008.

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1 YOU ARE FURTHER NOTIFIED THAT the deponent is not a party to this action. So  
2 far as known to the deposing party, the deponent's alleged business address is as follows:

3 2302 Zanker Road

4 San Jose, CA, 95131

5 Said deponent has been served with a deposition subpoena. A copy of the deposition  
6 subpoena is attached hereto and served herewith.

7 A list of all parties or attorneys for parties on whom this Notice of Deposition is being  
8 served is shown on the accompanying Proof of Service.

9  
10  
11 Dated: June 12, 2008

FOLEY & LARDNER LLP  
LAURENCE R. ARNOLD  
EILEEN R RIDLEY  
SCOTT P. INCIARDI

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15 By:   
16 SCOTT P. INCIARDI  
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**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **June 13, 2008**, I served the foregoing document(s) described as: **NOTICE OF DEPOSITION OF KRISTY SERMERSHEIM, Case No. 5:08-CV-00213-JF**, on the interested parties in this action as follows:

✓ BY THE FOLLOWING MEANS:

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

William Sokol, Esq.  
W. Daniel Boone, Esq.  
Bruce A. Harland, Esq.  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Pkwy, Suite 200  
Alameda, CA 94501-1091  
(510) 337-1023

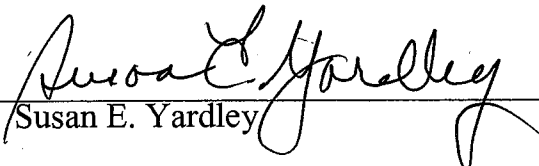
✓ BY EXPRESS SERVICE CARRIER (Via Overnight Courier Service)

✓ I am readily familiar with the firm's practice for collection and processing of correspondence for delivery by Federal Express: collected packages are picked up by an express carrier representative on the same day, with the Airbill listing the account number for billing to sender, at **San Francisco, California**, in the ordinary course of business. I placed the envelope(s) in an envelope or package designated by the express service carrier for collection and processing for express service delivery on the above date following ordinary business practices.

✓ Executed on **June 13, 2008**, at **San Francisco, California**.

✓ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

✓ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
Susan E. Yardley

# **EXHIBIT BB**

**FOLEY & LARDNER LLP**

ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
TELEPHONE: 415.434.4484  
FACSIMILE: 415.434.4507

LAURENCE R. ARNOLD, CA BAR NO. 133715  
EILEEN R. RIDLEY, CA BAR NO. 151735  
SCOTT P. INCIARDI, CA BAR NO. 228814  
Attorneys for Respondents Stanford Hospital & Clinics  
and Lucile Packard Children's Hospital

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715,**

**Petitioner,**

**vs.**

**STANFORD HOSPITAL AND CLINICS  
AND LUCILE PACKARD CHILDREN'S  
HOSPITAL,**

**Respondents.**

**Case No: 5:08-CV-00215-JF**

**NOTICE OF DEPOSITION OF  
KRISTY SERMERSHEIM**

**Judge: Hon. Jeremy Fogel**

**TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:**

**YOU ARE HEREBY NOTIFIED THAT:** the deposition of Kristy Sermersheim will be taken stenographically and recorded on audiotape and videotape by respondents Stanford Hospital & Clinics and Lucile Packard Children's Hospital at the law offices of Foley & Lardner LLP, 975 Page Mill Road, Palo Alto, California 94304 commencing at 10:00 AM on Tuesday, July 1, 2008.

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3 2302 Zanker Road

4 San Jose, CA, 95131

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8 served is shown on the accompanying Proof of Service.

9  
10 Dated: June 12, 2008

11 FOLEY & LARDNER LLP  
12 LAURENCE R. ARNOLD  
13 EILEEN R RIDLEY  
14 SCOTT P. INCIARDI

15 By:   
16 SCOTT P. INCIARDI  
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**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **June 13, 2008**, I served the foregoing document(s) described as: **NOTICE OF DEPOSITION OF KRISTY SERMERSHEIM, Case No. 5:08-CV-00215-JF**, on the interested parties in this action as follows:

☒ **BY THE FOLLOWING MEANS:**

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

William Sokol, Esq.  
W. Daniel Boone, Esq.  
Bruce A. Harland, Esq.  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Pkwy, Suite 200  
Alameda, CA 94501-1091  
(510) 337-1023

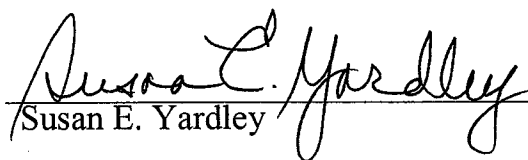
☒ **BY EXPRESS SERVICE CARRIER (Via Overnight Courier Service)**

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☒ Executed on **June 13, 2008**, at **San Francisco, California**.

☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
Susan E. Yardley

# **EXHIBIT CC**

**FOLEY & LARDNER LLP**

ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
TELEPHONE: 415.434.4484  
FACSIMILE: 415.434.4507

LAURENCE R. ARNOLD, CA BAR NO. 133715  
EILEEN R. RIDLEY, CA BAR NO. 151735  
SCOTT P. INCIARDI, CA BAR NO. 228814  
Attorneys for Respondents Stanford Hospital & Clinics  
and Lucile Packard Children's Hospital

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715,**

**Petitioner,**

**vs.**

**STANFORD HOSPITAL AND CLINICS  
AND LUCILE PACKARD CHILDREN'S  
HOSPITAL,**

**Respondents.**

**Case No: 5:08-CV-00216-JF**

**NOTICE OF DEPOSITION OF  
KRISTY SERMERSHEIM**

**Judge: Hon. Jeremy Fogel**

**TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:**

**YOU ARE HEREBY NOTIFIED THAT:** the deposition of Kristy Sermersheim will be taken stenographically and recorded on audiotape and videotape by respondents Stanford Hospital & Clinics and Lucile Packard Children's Hospital at the law offices of Foley & Lardner LLP, 975 Page Mill Road, Palo Alto, California 94304 commencing at 10:00 AM on Tuesday, July 1, 2008.

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3 2302 Zanker Road

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10 Dated: June 12, 2008

FOLEY & LARDNER LLP  
LAURENCE R. ARNOLD  
EILEEN R RIDLEY  
SCOTT P. INCIARDI

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14 By:

  
SCOTT P. INCIARDI

**PROOF OF SERVICE**

I am employed in the **County of San Francisco, State of California**. I am over the age of 18 and not a party to this action; my current business address is **One Maritime Plaza, Sixth Floor, San Francisco, CA 94111-3409**.

On **June 13, 2008**, I served the foregoing document(s) described as: **NOTICE OF DEPOSITION OF KRISTY SERMERSHEIM, Case No. 5:08-CV-00216-JF**, on the interested parties in this action as follows:

☒ **BY THE FOLLOWING MEANS:**

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

William Sokol, Esq.  
W. Daniel Boone, Esq.  
Bruce A. Harland, Esq.  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Pkwy, Suite 200  
Alameda, CA 94501-1091  
(510) 337-1023

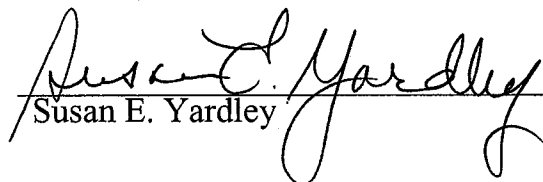
☒ **BY EXPRESS SERVICE CARRIER (Via Overnight Courier Service)**

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☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
\_\_\_\_\_  
Susan E. Yardley

# **EXHIBIT DD**

**FOLEY & LARDNER LLP**  
ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
TELEPHONE: 415.434.4484  
FACSIMILE: 415.434.4507

LAURENCE R. ARNOLD, CA BAR NO. 133715  
EILEEN R. RIDLEY, CA BAR NO. 151735  
SCOTT P. INCIARDI, CA BAR NO. 228814  
Attorneys for Respondents Stanford Hospital & Clinics  
and Lucile Packard Children's Hospital

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 715,**

**Petitioner,**

**vs.**

**STANFORD HOSPITAL AND CLINICS  
AND LUCILE PACKARD CHILDREN'S  
HOSPITAL,**

**Respondents.**

**Case No: 5:08-CV-01726-JF**

**NOTICE OF DEPOSITION OF  
KRISTY SERMERSHEIM**

**Judge: Hon. Jeremy Fogel**

**TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:**

**YOU ARE HEREBY NOTIFIED THAT:** the deposition of Kristy Sermersheim will be taken stenographically and recorded on audiotape and videotape by respondents Stanford Hospital & Clinics and Lucile Packard Children's Hospital at the law offices of Foley & Lardner LLP, 975 Page Mill Road, Palo Alto, California 94304 commencing at 10:00 AM on Tuesday, July 1, 2008.

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9  
10 Dated: June 12, 2008

FOLEY & LARDNER LLP  
LAURENCE R. ARNOLD  
EILEEN R RIDLEY  
SCOTT P. INCIARDI

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SCOTT P. INCIARDI



1 **PROOF OF SERVICE**

2 I am employed in the **County of San Francisco, State of California**. I am over the age  
3 of 18 and not a party to this action; my current business address is **One Maritime Plaza,  
Sixth Floor, San Francisco, CA 94111-3409**.

4 On **June 13, 2008**, I served the foregoing document(s) described as: **NOTICE OF  
DEPOSITION OF KRISTY SERMERSHEIM, Case No. 5:08-CV-01726-JF**, on the  
5 interested parties in this action as follows:

6 ☒ **BY THE FOLLOWING MEANS:**

7 I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

8 William Sokol, Esq.  
9 W. Daniel Boone, Esq.  
10 Bruce A. Harland, Esq.  
11 Weinberg, Roger & Rosenfeld  
12 1001 Marina Village Pkwy, Suite 200  
Alameda, CA 94501-1091  
(510) 337-1023

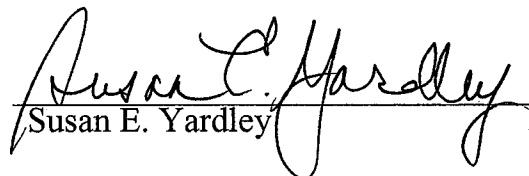
13 ☒ **BY EXPRESS SERVICE CARRIER (Via Overnight Courier Service)**

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following ordinary business practices.

19 ☒ Executed on **June 13, 2008**, at **San Francisco, California**.

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that the above is true and correct.

21 ☒ I declare that I am employed in the office of a member of the bar of this  
court at whose direction the service was made.

22  
23   
24 Susan E. Yardley  
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# **EXHIBIT EE**

**FOLEY & LARDNER LLP**  
ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
TELEPHONE: 415.434.4484  
FACSIMILE: 415.434.4507

LAURENCE R. ARNOLD, CA BAR NO. 133715  
EILEEN R. RIDLEY, CA BAR NO. 151735  
SCOTT P. INCIARDI, CA BAR NO. 228814  
Attorneys for Respondents Stanford Hospital & Clinics  
and Lucile Packard Children's Hospital

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**SERVICE EMPLOYEES**  
**INTERNATIONAL UNION, LOCAL 715,**

**Petitioner,**

**vs.**

**STANFORD HOSPITAL AND CLINICS**  
**AND LUCILE PACKARD CHILDREN'S**  
**HOSPITAL,**

**Respondents.**

**Case No: 5:08-CV-01727-JF**

**NOTICE OF DEPOSITION OF**  
**KRISTY SERMERSHEIM**

**Judge: Hon. Jeremy Fogel**

TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:

YOU ARE HEREBY NOTIFIED THAT: the deposition of Kristy Sermersheim will be taken stenographically and recorded on audiotape and videotape by respondents Stanford Hospital & Clinics and Lucile Packard Children's Hospital at the law offices of Foley & Lardner LLP, 975 Page Mill Road, Palo Alto, California 94304 commencing at 10:00 AM on Tuesday, July 1, 2008.

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9  
10 Dated: June 12, 2008

FOLEY & LARDNER LLP  
LAURENCE R. ARNOLD  
EILEEN R RIDLEY  
SCOTT P. INCIARDI

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15 By:   
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SCOTT P. INCIARDI

1 **PROOF OF SERVICE**

2 I am employed in the **County of San Francisco, State of California**. I am over the age  
3 of 18 and not a party to this action; my current business address is **One Maritime Plaza,**  
4 **Sixth Floor, San Francisco, CA 94111-3409.**

5 On **June 13, 2008**, I served the foregoing document(s) described as: **NOTICE OF**  
6 **DEPOSITION OF KRISTY SERMERSHEIM, Case No. 5:08-CV-01727-JF**, on the  
7 interested parties in this action as follows:

8 ☒ **BY THE FOLLOWING MEANS:**

9 I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

10 William Sokol, Esq.  
11 W. Daniel Boone, Esq.  
12 Bruce A. Harland, Esq.  
13 Weinberg, Roger & Rosenfeld  
14 1001 Marina Village Pkwy, Suite 200  
15 Alameda, CA 94501-1091  
16 (510) 337-1023

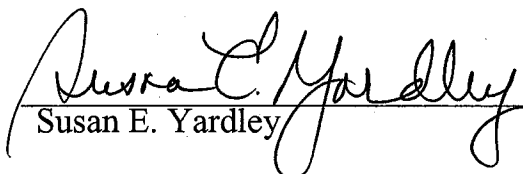
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24 collection and processing for express service delivery on the above date  
25 following ordinary business practices.

26 ☒ Executed on **June 13, 2008**, at **San Francisco, California.**

27 ☒ I declare under penalty of perjury under the laws of the State of California  
28 that the above is true and correct.

☒ I declare that I am employed in the office of a member of the bar of this  
court at whose direction the service was made.

22  
23   
24 Susan E. Yardley

# **EXHIBIT FF**

AO88 (Rev. 12/07) Subpoena in a Civil Case

## UNITED STATES DISTRICT COURT

Northern District of California

Stanford Hospital And Clinics And Lucile  
Packard Children's Hospital, Petitioners

V.

Service Employees International Union, Local  
715, Respondent

## SUBPOENA IN A CIVIL CASE

Case Number:<sup>1</sup> 5:07-CV-05158-JF

TO:

Kristy Sermersheim

- ☐
- YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☒
- YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

975 Page Mill Road, Palo Alto, California 94304

July 1, 2008, 10:00 AM

- ☐
- YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

- ☐
- YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE



Attorney for Petitioners

June 12, 2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Scott P. Inciardi, Foley &amp; Lardner LLP, One Maritime Plaza, San Francisco, California 94111, 415.434.4484

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

## PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

**(c) Protecting a Person Subject to a Subpoena.**

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) CONTEMPT.**

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).



B 255 (11/91) (cont.)

0854375056  
Pleasant Discovery**PROOF OF SERVICE**

<b>SERVED</b>	<b>DATE</b> 06-18-08 AT 3:30PM	<b>PLACE</b> KRISTY SERMERSHEIM 2302 ZANKER ROAD SAN JOSE, CA 95131
<b>SERVED ON (PRINT NAME)</b> KRISTY SERMERSHEIM	<b>MANNER OF SERVICE</b> PERSONAL SERVICE	
<b>SERVED BY (PRINT NAME)</b> ISMAEL VELASCO	<b>TITLE</b> PROCESS SERVER	

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on JUNE 18, 2008  
DATE

REF: 3022967  
NATIONWIDE LEGAL, INC,  
ISMAEL VELASCO  
REG. NUMBER: 908  
SAN FRANCISCO COUNTY

  
SIGNATURE OF SERVER

1255 POST STREET, SUITE #500  
ADDRESS OF SERVER

SAN FRANCISCO, CALIFORNIA 94109

Rule 45, Federal Rules of Civil Procedure, Parts C & D:  
(C) PROTECTION OF PERSON SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take responsible steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and and reasonable attorney's fees

(2) (A) A person commanded to produce and permit inspection and copying designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect or copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of the party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow for reasonable time for compliance:

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or  
(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or  
(iv) subjects a person to undue burden.

(B) if a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or  
(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearances or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When the information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

# **EXHIBIT GG**

AO88 (Rev. 12/07) Subpoena in a Civil Case

## UNITED STATES DISTRICT COURT

Northern District of California

Service Employees International Union, Local  
715, Petitioner

V.

Stanford Hospital And Clinics And Lucile  
Packard Children's Hospital, Respondents

## SUBPOENA IN A CIVIL CASE

Case Number:<sup>1</sup> 5:08-CV-00213-JF

TO:

Kristy Sermersheim

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

975 Page Mill Road, Palo Alto, California 94304

July 1, 2008, 10:00 AM

- ☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

 Attorney for Respondents

June 12, 2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Scott P. Inciardi, Foley &amp; Lardner LLP, One Maritime Plaza, San Francisco, California 94111, 415.434.4484

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

---

**PROOF OF SERVICE**


---

DATE

PLACE

**SERVED**

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

---

**DECLARATION OF SERVER**


---

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

---

Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

**(c) Protecting a Person Subject to a Subpoena.**

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) CONTEMPT.**

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

B 255 (11/91) (cont.)

pheading

**PROOF OF SERVICE**

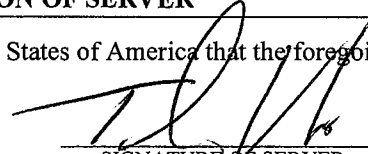
<b>SERVED</b>	<b>DATE</b> 06-18-08 AT 3:30PM	<b>PLACE</b> KRISTY SERMERSHEIM 2302 ZANKER ROAD SAN JOSE, CA 95131
<b>SERVED ON (PRINT NAME)</b> KRISTY SERMERSHEIM	<b>MANNER OF SERVICE</b> PERSONAL SERVICE	
<b>SERVED BY (PRINT NAME)</b> ISMAEL VELASCO	<b>TITLE</b> PROCESS SERVER	

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on JUNE 18, 2008  
DATE

REF: 3022971  
NATIONWIDE LEGAL, INC,  
ISMAEL VELASCO  
REG. NUMBER: 908  
SAN FRANCISCO COUNTY

  
SIGNATURE OF SERVER

1255 POST STREET, SUITE #500  
ADDRESS OF SERVER

SAN FRANCISCO, CALIFORNIA 94109

Rule 45, Federal Rules of Civil Procedure, Parts C & D:  
(C) PROTECTION OF PERSON SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take responsible steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and and reasonable attorney's fees

(2) (A) A person commanded to produce and permit inspection and copying designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect or copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of the party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow for reasonable time for compliance:

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or  
(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or  
(iv) subjects a person to undue burden.

(B) if a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or  
(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearances or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When the information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

# **EXHIBIT HH**



AO88 (Rev. 12/07) Subpoena in a Civil Case

## UNITED STATES DISTRICT COURT

Northern District of California

Service Employees International Union, Local  
715, Petitioner

V.

Stanford Hospital And Clinics And Lucile  
Packard Children's Hospital, Respondents

## SUBPOENA IN A CIVIL CASE

Case Number:<sup>1</sup> 5:08-CV-00215-JF

TO:

Kristy Sermersheim

- ☐
- YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☒
- YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

975 Page Mill Road, Palo Alto, California 94304

July 1, 2008, 10:00 AM

- ☐
- YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

- ☐
- YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

 Attorney for Respondents

June 12, 2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Scott P. Inciardi, Foley &amp; Lardner LLP, One Maritime Plaza, San Francisco, California 94111, 415.434.4484

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

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**PROOF OF SERVICE**


---

DATE

PLACE

**SERVED**

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

---

**DECLARATION OF SERVER**


---

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

---

Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

**(c) Protecting a Person Subject to a Subpoena.**

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) CONTEMPT.**

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).



B 255 (11/91) (cont.)

pleading

**PROOF OF SERVICE**

<b>SERVED</b>  <b>SERVED ON (PRINT NAME)</b> KRISTY SERMERSHEIM <b>SERVED BY (PRINT NAME)</b> ISMAEL VELASCO	<b>DATE</b> 06-18-08 AT 3:30PM  <b>PLACE</b> KRISTY SERMERSHEIM 2302 ZANKER ROAD SAN JOSE, CA 95131 <b>MANNER OF SERVICE</b> PERSONAL SERVICE <b>TITLE</b> PROCESS SERVER
---	---

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on JUNE 18, 2008  
DATE

REF: 3022964  
 NATIONWIDE LEGAL, INC.  
 ISMAEL VELASCO  
 REG. NUMBER: 908  
 SAN FRANCISCO COUNTY

  
SIGNATURE OF SERVER

1255 POST STREET, SUITE #500  
ADDRESS OF SERVER

SAN FRANCISCO, CALIFORNIA 94109

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(C) PROTECTION OF PERSON SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take responsible steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and and reasonable attorney's fees

(2) (A) A person commanded to produce and permit inspection and copying designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect or copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of the party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow for reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) if a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearances or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When the information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

# **EXHIBIT II**

AO88 (Rev. 12/07) Subpoena in a Civil Case

## UNITED STATES DISTRICT COURT

Northern District of California

Service Employees International Union, Local  
715, Petitioner

V.

Stanford Hospital And Clinics And Lucile  
Packard Children's Hospital, Respondents

## SUBPOENA IN A CIVIL CASE

Case Number:<sup>1</sup> 5:08-CV-00216-JF

TO:

Kristy Sermersheim

- ☐
- YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☒
- YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

975 Page Mill Road, Palo Alto, California 94304

July 1, 2008, 10:00 AM

- ☐
- YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

- ☐
- YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Respondents

June 12, 2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Scott P. Inciardi, Foley &amp; Lardner LLP, One Maritime Plaza, San Francisco, California 94111, 415.434.4484

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

AQ88 (Rev. 12/07) Subpoena in a Civil Case (Page 2)

## PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

**(c) Protecting a Person Subject to a Subpoena.**

(1) **Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) **Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) **Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) **When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) **When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial

(C) **Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

(1) **Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) **Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) CONTEMPT.**

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

B 255 (11/91) (cont.)

**PROOF OF SERVICE**

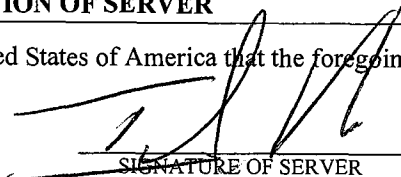
<b>DATE</b> 06-18-08 AT 3:30PM  <b>SERVED</b>  <b>SERVED ON (PRINT NAME)</b> KRISTY SERMERSHEIM <b>SERVED BY (PRINT NAME)</b> ISMAEL VELASCO	<b>PLACE</b> KRISTY SERMERSHEIM 2302 ZANKER ROAD SAN JOSE, CA 95131  <b>MANNER OF SERVICE</b> PERSONAL SERVICE  <b>TITLE</b> PROCESS SERVER
--	--

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on JUNE 18, 2008  
 DATE

REF: 3022970  
 NATIONWIDE LEGAL, INC.  
 ISMAEL VELASCO  
 REG. NUMBER: 908  
 SAN FRANCISCO COUNTY

  
 SIGNATURE OF SERVER

1255 POST STREET, SUITE #500  
 ADDRESS OF SERVER

SAN FRANCISCO, CALIFORNIA 94109

Rule 45, Federal Rules of Civil Procedure, Parts C & D:  
 (C) PROTECTION OF PERSON SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take responsible steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and and reasonable attorney's fees

(2) (A) A person commanded to produce and permit inspection and copying designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect or copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of the party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow for reasonable time for compliance:

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or  
 (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or  
 (iv) subjects a person to undue burden.

(B) if a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or  
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearances or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When the information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

# **EXHIBIT JJ**



AO88 (Rev. 12/07) Subpoena in a Civil Case

## UNITED STATES DISTRICT COURT

Northern District of California

Service Employees International Union, Local  
715, Petitioner

V.

Stanford Hospital And Clinics And Lucile  
Packard Children's Hospital, Respondents

## SUBPOENA IN A CIVIL CASE

Case Number:<sup>1</sup> 5:08-CV-01726-JF

TO:

Kristy Sermersheim

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

- ☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION 975 Page Mill Road, Palo Alto, California 94304	DATE AND TIME July 1, 2008, 10:00 AM
--	---


- ☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME
-------	---------------

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Attorney for Respondents	DATE June 12, 2008
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	

Scott P. Inciardi, Foley & Lardner LLP, One Maritime Plaza, San Francisco, California 94111, 415.434.4484

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

## PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

## Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

**(c) Protecting a Person Subject to a Subpoena.**

(1) **Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) **Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) **Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) **When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) **When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial

(C) **Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

(1) **Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) **Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) CONTEMPT.**

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(iii).



B 255 (11/91) (cont.)

pleading

**PROOF OF SERVICE**

<b>SERVED</b>  <b>SERVED ON (PRINT NAME)</b> KRISTY SERMERSHEIM <b>SERVED BY (PRINT NAME)</b> ISMAEL VELASCO	<b>DATE</b> 06-18-08 AT 3:30PM  <b>PLACE</b> KRISTY SERMERSHEIM 2302 ZANKER ROAD SAN JOSE, CA 95131 <b>MANNER OF SERVICE</b> PERSONAL SERVICE <b>TITLE</b> PROCESS SERVER
---	---

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on JUNE 18, 2008  
DATE

REF: 3022968  
 NATIONWIDE LEGAL, INC,  
 ISMAEL VELASCO  
 REG. NUMBER: 908  
 SAN FRANCISCO COUNTY

  
SIGNATURE OF SERVER

1255 POST STREET, SUITE #500  
ADDRESS OF SERVER

SAN FRANCISCO, CALIFORNIA 94109

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

**(C) PROTECTION OF PERSON SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take responsible steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and and reasonable attorney's fees

(2) (A) A person commanded to produce and permit inspection and copying designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect or copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of the party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow for reasonable time for compliance:

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) if a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearances or production only upon specified conditions.

**(d) DUTIES IN RESPONDING TO SUBPOENA**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When the information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

# **EXHIBIT KK**

AO88 (Rev. 12/07) Subpoena in a Civil Case

## UNITED STATES DISTRICT COURT

Northern District of California

Service Employees International Union, Local  
715, Petitioner

V.

Stanford Hospital And Clinics And Lucile  
Packard Children's Hospital, Respondents

## SUBPOENA IN A CIVIL CASE

Case Number:<sup>1</sup> 5:08-CV-01727-JF

TO:

Kristy Sermersheim

- ☐
- YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☒
- YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

975 Page Mill Road, Palo Alto, California 94304

July 1, 2008, 10:00 AM

- ☐
- YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

- ☐
- YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.


PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

 Attorney for Respondents

June 12, 2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Scott P. Inciardi, Foley &amp; Lardner LLP, One Maritime Plaza, San Francisco, California 94111, 415.434.4484

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

AO88 (Rev. 12/07) Subpoena in a Civil Case (Page 2)

## PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

**(c) Protecting a Person Subject to a Subpoena.**

(1) **Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) **Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) **Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) **When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) **When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial

(C) **Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

(1) **Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) **Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) CONTEMPT.**

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

B 255 (11/91) (cont.)

**PROOF OF SERVICE**

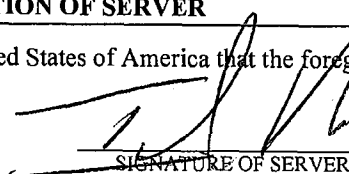
<b>SERVED</b>	<b>DATE</b> 06-18-08 AT 3:30PM	<b>PLACE</b> KRISTY SERMERSHEIM 2302 ZANKER ROAD SAN JOSE, CA 95131
<b>SERVED ON (PRINT NAME)</b> KRISTY SERMERSHEIM	<b>MANNER OF SERVICE</b> PERSONAL SERVICE	
<b>SERVED BY (PRINT NAME)</b> ISMAEL VELASCO	<b>TITLE</b> PROCESS SERVER	

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on JUNE 18, 2008  
DATE

REF: 3022970  
NATIONWIDE LEGAL, INC,  
ISMAEL VELASCO  
REG. NUMBER: 908  
SAN FRANCISCO COUNTY

  
SIGNATURE OF SERVER

1255 POST STREET, SUITE #500  
ADDRESS OF SERVER

SAN FRANCISCO, CALIFORNIA 94109

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

**(C) PROTECTION OF PERSON SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take responsible steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and and reasonable attorney's fees

(2) (A) A person commanded to produce and permit inspection and copying designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect or copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of the party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow for reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) if a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearances or production only upon specified conditions.

**(d) DUTIES IN RESPONDING TO SUBPOENA**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When the information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

# **EXHIBIT LL**

STEWART WEINBERG  
DAVID A. ROSENFELD  
WILLIAM A. SCHUL  
VINCENT A. MARRINGTON, JR.  
W. DANIEL BOONE  
BLYTHE MICKELSON  
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**WEINBERG, ROGER & ROSENFELD**  
A PROFESSIONAL CORPORATION

1001 Marina Village Parkway, Suite 200  
Alameda, CA 94501-1091  
TELEPHONE 510.337.1001  
FAX 510.337.1023

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JANNAH V. MANANSALA  
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KERANNIE R. STEELE  
ANA M. CALLEGOS  
GARY P. PROVENCHER

PATRICIA M. GATES, Of Counsel  
ROBERTA D. PURKINS, Of Counsel

\* Also admitted in Arizona  
\*\* Admitted in Hawaii  
\*\*\* Also admitted in Nevada  
\*\*\*\* Also admitted in Illinois

June 23, 2008

VIA FACSIMILE & U.S. MAIL

Eileen Ridley  
Foley & Lardner  
One Maritime Plaza, Sixth Floor  
San Francisco, CA 94111-3404

Re: Stanford Hospital & Clinics and Lucile Packard Children's Hospital v. SEIU, Local 715  
U.S.D.C. Case No. 5:07-CV-05158; 5:08-CV-00213; 5:08-CV-00215; 5:08-CV-00216;  
5:08-CV-01726; 5:08-CV-01727.

Dear Ms. Ridley:

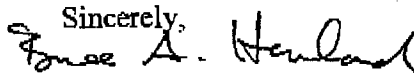
I am writing this letter on behalf of both Bruce W. Smith and Myriam Escamilla. I have received copies of the Notices of Deposition for both Bruce W. Smith and Myriam Escamilla that you served. It is my understanding that you claim that they are not parties to this action. If that is incorrect, please let me know.

If my understanding is correct, then the both Mr. Smith and Ms. Escamilla object to the subpoenas for the following reasons in accordance with Rule 45(c)(2)(B) of the Federal Rules of Civil Procedure. Clearly, the deposition subpoenas are an effort to harass both Mr. Smith and Ms. Escamilla, especially in light of the fact that you have noticed their depositions as non-parties.

In any event, given the Fourth of July holiday fast approaching and because of other pre-scheduled commitments, neither Mr. Smith nor Ms. Escamilla are available for the dates notice.

Please contact me at your earliest convenience so that we can discuss this matter.

Sincerely,

  
Bruce A. Harland

BAH/not

cc: Local 715  
Rusty Smith, Trustee  
Myriam Escamilla, Asst. Trustee

117443/497466



# **EXHIBIT MM**





**ATTORNEYS AT LAW**

ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
415.434.4484 TEL  
415.434.4507 FAX  
foley.com

June 23, 2008

**VIA FACSIMILE AND U.S. MAIL**

CLIENT/MATTER NUMBER  
085437-3056, 3080, 3081, 3083, 3094, and  
3097

Bruce Harland  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Parkway, Suite 200  
Alameda, California 94501-1091

Re: SEIU, Local 715 v. Stanford Hospital & Clinics and Lucille  
Packard Childrens' Hospital  
U.S. Dist. Ct. Northern Dist. Ca Case Nos. C-07-cv-5158,  
5:08-cv-00213, 5:08-cv-00215, 5:08-cv-00216, 5:08-cv-01727,  
and 5:08-cv-01726

Dear Mr. Harland:

This will respond to your letter of today's date regarding the depositions of Mr. Smith and Ms. Escamilla.

You are incorrect regarding the basis of service. Mr. Smith was served as a party as we understand he is the trustee for Local 715.

Ms. Escamilla was served as a non-party as we understand she is employed by UHW. Ms. Escamilla has repeatedly evaded service including refusing to accept the subpoena at work and arranging to have the subpoena accepted at her home to only to thereafter refuse to accept service of the subpoena. Ms. Escamilla's actions are inappropriate and contrary to law and we will seek redress from the Court if she continues to actively and consciously evade service. As your office apparently represents Ms. Escamilla, we will agree to permit acceptance of the subpoena through your office if you are authorized to accept such service. If not, we will seek redress from the Court for Ms. Escamilla's actions. Please confirm you may accept service of the subpoena on Ms. Escamilla's behalf.

Having said the above, the simple request for a deposition is not harassment, and thus the objections raised to the proceedings are inappropriate both in form and substance.. Indeed, both Mr. Smith and Ms. Escamilla have information regarding the issues related to the existence, representation, and the use of resources of Local 715 which you well know. Mr. Smith is purportedly that entity's trustee, and Ms. Escamilla a representative of UHW assigned to Stanford Hospital & Clinics and Lucile Packard Children's Hospital under the purported servicing agreement with Local 715 as well as the purported trustee's assistant. Moreover, the Court specifically permitted such discovery to take place. Finally, the depositions were specifically set so as to not take place over the July 4<sup>th</sup> holiday. As there is a filing deadline with the Court of July 18, 2008, we expect both the witnesses to appear at their depositions. If they truly need to reschedule the dates of

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SACRAMENTO  
SAN DIEGO  
SAN DIEGO/DEL MAR

SAN FRANCISCO  
SHANGHAI  
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TALLAHASSEE  
TAMPA

TOKYO  
WASHINGTON, D.C.



FOLEY & LARDNER LLP

Bruce Harland

June 23, 2008

Page 2

the proceedings, please provide us with suggested alternative date to be considered as soon as possible.

Continued failure to respond to discovery requests by persons or entities represented by your office will be raised with the Court – particularly in light of the up-coming deadlines in the case. We trust the present impasse will be resolved short of the need for Court intervention.

Very truly yours,

A handwritten signature in cursive script that reads 'Eileen R. Ridley /s/'. The signature is written in black ink and is positioned above the printed name.

Eileen R. Ridley

# **EXHIBIT NN**

**From:** Ridley, Eileen R.  
**Sent:** Wednesday, June 25, 2008 11:20 AM  
**To:** Bruce Harland  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** SEIU v. Stanford Cases

**From the Desk of:** Eileen R. Ridley

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**FOLEY & LARDNER LLP**

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Mr. Harland:

I have not yet received a response to my letter of June 23, 2008 regarding the above cases and the depositions of Mr. Smith and Ms. Escamilla. We understand that you are refusing to produce Mr. Smith for his deposition tomorrow. Please immediately provide alternative dates for Mr. Smith and Ms. Escamilla as these depositions must be completed soon given July 18th deadline to file dispositive motions. We would prefer not to have to seek Court intervention in this matter and look forward to resolving it soon. However, we are prepared to file a motion to compel these depositions if we cannot reach an agreement with you. We look forward to your response.

In the meantime, we have received the responses to my clients' request for production/subpoenas from your clients and believe they are insufficient and incomplete. We will address those issues by separate correspondence. However, the responses specifically include objections based upon privilege but no privilege log was provided. Please provide that log immediately. Thank you.

*Eileen*

 INFO

6/26/2008

# **EXHIBIT OO**

STEWART WEINBERG  
DAVID A. ROSENFELD  
WILLIAM A. SOKOL  
VINCENT A. HARRINGTON, JR.  
W. DANIEL BOONE  
BLYTHE MICKELSON  
BARRY E. HINKLE  
JAMES RUTKOWSKI  
SANDRA RAE BENSON  
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JAMES J. WESSER  
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EMILY P. RICH

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1001 Marina Village Parkway, Suite 200  
Alameda, CA 94501-1091  
TELEPHONE 510.337.1001  
FAX 510.337.1023

**FOLEY & LARDNER LLP**  
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**JUN 27 2008**

LORI K. AQUINO  
ANNE I. YEN  
NICOLE M. PHILLIPS  
BRUCE A. HARLAND  
CONCEPCION E. LOZANO-BATISTA  
CAREN P. SENCER  
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KRISTINA M. ZINNEN  
JANNAH V. MANANSALA  
MANUEL A. BOQUES  
KERRIANNE R. STEELE  
ANA M. GALLEGOS  
GARY P. PROVENCHER

PATRICIA M. GATES, Of Counsel  
ROBERTA D. PERKINS, Of Counsel

\* Also admitted in Arizona  
\*\* Admitted in Hawaii  
\*\*\* Also admitted in Nevada  
\*\*\*\* Also admitted in Illinois

June 26, 2008

**WORKING COPY**

Scott P. Inciardi  
Foley & Lardner LLP  
One Maritime Plaza  
San Francisco, CA 94111

Re: SEIU Local 715  
Stanford Hospital & Clinics and Lucille Packard Children's Hospital  
U.S. District Court, No. District California, Case No. 07-cv-05158 JF, et al.

Dear Mr. Inciardi:

I am writing concerning the subpoenas for deposition of Kristy Sermersheim, which you unilaterally scheduled on July 1, 2008. Neither Ms. Sermersheim nor myself is available on July 1 for that proposed deposition. Please contact me at your earliest convenience to discuss possible dates and to discuss the necessity of taking Ms. Sermersheim's deposition. I do not believe that, given the causes of action in this matter, that Ms. Sermersheim has any relevant information for you and am not entirely certain that her deposition is necessary. However, we would like to work with you in good faith to discuss this rather than file an immediate motion to quash. I look forward to discussing this matter further with you.

Sincerely,



Andrea Laiacona

AL/sm  
opeiu 3 afl-cio(1)  
cc: Kristy Sermersheim

# **EXHIBIT PP**



**ATTORNEYS AT LAW**

ONE MARITIME PLAZA, SIXTH FLOOR  
SAN FRANCISCO, CA 94111-3409  
415.434.4484 TEL  
415.434.4507 FAX  
foley.com

June 30, 2008

**VIA FACSIMILE AND U.S. MAIL**

CLIENT/MATTER NUMBER  
085437-3056 (3080) 3081, 3083, 3094 and  
3097

Andrea Laiacona  
Weinberg, Roger & Rosenfeld  
1001 Marina Village Parkway, Ste. 200  
Alameda, CA 94501-1091

Re: *SEIU v. Stanford Hospital & Clinics, et al.*  
U.S. Dist. Ct. Case Nos.: C-07-cv-5158, 5:08-cv-00213, 5:08-  
cv-00215, 5:08-cv-002216, 5:08-cv-01727 and 5:08-cv-01726

Dear Ms. Laiacona:

This will respond to your letter of June 26, 2008 regarding the above-referenced matters and the deposition of Kristy Sermersheim. Ms. Sermersheim, as you know, was the executive secretary of SEIU Local 715 and was involved (and gave testimony) regarding the SEIU International's activities concerning the reorganization of the local union entities – including Local 715. Moreover, Ms. Sermersheim is identified in a number of documents regarding this matter. Thus, Ms. Sermersheim not only has relevant information, her testimony goes to the heart of one of the issues being litigated in the case. Thus, we require her deposition to take place. Please provide us with available dates for this proceeding.

We further write to address Local 521's complete failure to properly respond to the subpoena issued to it and produce documents. We have received no documentation from this entity whatsoever. Please confirm that Local 521 will provide a proper response to the subpoena (as noted in Eileen Ridley's letter of June 9, 2008) and will produce documents this week. Failure of Local 521 to do so will result in a motion to compel being failed to obtain the discovery requested.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Scott P. Inciardi', written over a horizontal line.

Scott P. Inciardi

cc: Eileen R. Ridley

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SAN FRANCISCO  
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TALLAHASSEE  
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TOKYO  
WASHINGTON, D.C.



# **EXHIBIT QQ**

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BLYTHE MICKELSON  
BARRY E. HINKLE  
JAMES RUTKOWSKI \*  
SANDRA RAE BENSON  
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ANDREA LAIACONA  
EMILY P. RICH

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Alameda, CA 94501-1091  
TELEPHONE 510.337.1001  
FAX 510.337.1023

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PATRICIA M. GATES, Of Counsel  
ROBERTA D. PERKINS, Of Counsel

\* Also admitted in Arizona  
\*\* Admitted in Hawaii  
\*\*\* Also admitted in Nevada  
\*\*\*\* Also admitted in Illinois

June 26, 2008

Eileen Ridley  
Foley & Lardner  
One Maritime Plaza, Sixth Floor  
San Francisco, CA 94111-3404

**FOLEY & LARDNER LLP  
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**JUN 27 2008**

085437-3056

Re: SEIU Local 715  
Stanford Hospital & Clinics and Lucille Packard Children's Hospital  
U.S. District Court, No. District California, Case No. 07-cv-05158 JF, et al.

Dear Ms. Ridley:

I am writing in response to your letter dated June 9, 2008 concerning the above referenced matter. It is my understanding that this letter is identical to letters which were directed to my co-counsel, Bill Sokol, on behalf of SEIU UHW and Bruce Harland on behalf of SEIU Local 715. Therefore, on behalf of Local 521, I reiterate the position of my prior letter, just as you have restated your position in yours.

It is clear from your letters and other documents that you seek discovery generally concerning the existence of Local 715. As Mr. Sokol said in his letter dated June 13, you obviously have acknowledged expressly that you are acting in bad faith through your client by acknowledging that Local 715 exists, that it represents employees and you have acknowledged that it has a relationship to the other Locals. Your explanation for why this information is necessary rings false. Your insistence that you need this information, in light of your acknowledgment, is an abuse of process, burdensome, harassing and unnecessary and that it just points to the bad faith tactics your client is engaging in by maintaining this litigation.

The fundamental facts of this case are not in dispute. You have acknowledged that SEIU Local 715 exists as an entity and your client is fully aware of its relationship to its sister locals in SEIU. Please cease and desist from this harassing discovery tactic. Thank you for your immediate attention in this matter.

Sincerely,



Andrea Laiacona

AL/sm  
opeiu 3 afl-cio(1)  
117443/497977

# **EXHIBIT RR**

---

**From:** Bruce Harland [bharland@unioncounsel.net]  
**Sent:** Monday, June 30, 2008 7:41 AM  
**To:** Ridley, Eileen R.  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

Eileen,

I'm out of the office and will not be back until tomorrow, Tuesday, July 1, 2008. I will have to talk to my client about the stipulation that you propose. I will talk to you tomorrow.

Bruce

-----Original Message-----

**From:** Ridley, Eileen R. [mailto:ERidley@foley.com]  
**Sent:** Fri 6/27/2008 4:59 PM  
**To:** Bruce Harland  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

<[http://mm1.lettermark.net/foleylaw/card/ANCB\\_3.map](http://mm1.lettermark.net/foleylaw/card/ANCB_3.map)>  
<[http://mm1.lettermark.net/foleylaw/card/ANCB\\_3.gif](http://mm1.lettermark.net/foleylaw/card/ANCB_3.gif)>

Mr. Harland:

I have yet to hear from you regarding the matters discussed below. As the Court has set a date for filing dispositive motions for July 18, 2008 and we have not resolved our pending discovery disputes, will you stipulate to a continuance of the July 18, 2008 deadline? Please provide your response to this question and the issues raised below by Monday, June 30, 2008. Thank you

Eileen

<<http://www.lettermark.net/emailhelp.asp?id=Foley & Lardner LLP>>

---

**From:** Ridley, Eileen R.  
**Sent:** Wednesday, June 25, 2008 11:20 AM

To: Bruce Harland  
Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
Subject: SEIU v. Stanford Cases

Mr. Harland:

I have not yet received a response to my letter of June 23, 2008 regarding the above cases and the depositions of Mr. Smith and Ms. Escamilla. We understand that you are refusing to produce Mr. Smith for his deposition tomorrow. Please immediately provide alternative dates for Mr. Smith and Ms. Escamilla as these depositions must be completed soon given July 18th deadline to file dispositive motions. We would prefer not to have to seek Court intervention in this matter and look forward to resolving it soon. However, we are prepared to file a motion to compel these depositions if we cannot reach an agreement with you. We look forward to your response.

In the meantime, we have received the responses to my clients' request for production/subpoenas from your clients and believe they are insufficient and incomplete. We will address those issues by separate correspondence. However, the responses specifically include objections based upon privilege but no privilege log was provided. Please provide that log immediately. Thank you.

Eileen

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tax penalties, and was not written to support the promotion or marketing of any transaction or matter discussed herein.

# **EXHIBIT SS**

**From:** Ridley, Eileen R.  
**Sent:** Thursday, July 03, 2008 7:55 AM  
**To:** Bruce Harland  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

**From the Desk of:** Eileen R. Ridley

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Bruce

I believe the statements made in our motion are accurate. Our case management statement specifically discussed the discovery related to the existence of Local715, the use of its resources and its representative capacity. This was discussed with the Court and it agreed such discovery could take place. In fact, there was no limit on the subjects of discovery whatsoever. Further, given the fact that the uniform response to the discovery served was to object, I believe the description of these responses by your office is accurate.

Having said that, we are hopeful these issues can be resolved without bringing a motion to compel. I think your idea of speaking early next week is a good one in order to facilitate the most complete discussion. I am generally available either July 7 or July 8. I would suggest talking sometime in the afternoon of either day. Let me know what works for you. Thank you.

Eileen



-----Original Message-----

**From:** Bruce Harland [[bharland@unioncounsel.net](mailto:bharland@unioncounsel.net)]  
**Sent:** Wednesday, July 02, 2008 7:18 PM  
**To:** Ridley, Eileen R.  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** RE: SEIU v. Stanford Cases

Eileen,

The purpose of my email was not to start a debate, but simply explain to you why my clients could not agree to continuing the filing date for dispositive motions. Obviously, you and your clients take issue with those reasons.

While I do not think it is necessary to continue the debate, I do wish to address your accusation that everyone that you subpoenaed and our firm has "conduct[ed] a coordinated strategy of stonewalling and refusing to respond to any discovery request . . ." That is simply

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inaccurate. Moreover, it was completely misleading and inappropriate for you to make such a statement to the Court today in your motion to continue the filing date, as it is not grounded on fact or reality.

It is also inaccurate to suggest that the Court permitted discovery on the "existence of Local 715, its representative capacity and the handling of its resources." I have reviewed the transcript of the scheduling conference, and my understanding is that the Court permitted discovery on a very narrow issue -- that is, whether Local 715 had standing at the arbitration hearing. (See Tr. 7:7-13; 8:21-24; 9:18-23; 10:23-25; 11:1-8, 18-24; 12:1-6.)

Now, turning to the scheduling the meet and confer process, I will be available after noon. However, I do have a meeting tentatively scheduled for sometime in the late afternoon. If you can email times that work for you in the afternoon, I will make every effort to schedule my meeting around the call.

If these times do not work, I would suggest an alternative approach: that we reschedule the telephone conference for early next week, so that I can respond to your July 1, 2008 "meet and confer" letter that you emailed last night. This might help focus the conversation. This will also allow you to enjoy your vacation. If you like this alternate approach, then I would suggest that you give me some times and dates that you can participate in a call next week.

I look forward to hearing from you.

Bruce

-----Original Message-----

From: Ridley, Eileen R. [ERidley@foley.com]

Sent: Tuesday, July 01, 2008 9:12 PM

To: Bruce Harland

Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy

Subject: RE: SEIU v. Stanford Cases

Thank you for your email. It is unfortunate that your client has chosen to refuse to stipulate to a continuance of the deadline to file dispositive motions and we will therefore raise the issue with the Court.

There has been no delay in this action by my clients. Once the Court confirmed that discovery could be conducted during the April 25th Case Management Conference we served requests for production and subpoenas within two weeks in all six matters. That is hardly "waiting until the last minute". Your clients and your firm, however, have decided to conduct a coordinated strategy of stonewalling and refusing to respond to any discovery request by either refusing to answer or produce documents, refusing to produce witnesses for deposition (including the trustee of Local 715), and characterizing every discovery request as "harrassment". This is a designed pattern and practice that is contrary to the law and a blatant attempt to prejudice my client regarding the dispositive motions in this case. If there is any delay in this matter it has been caused by your firm's clients and their refusal to properly respond to legal discovery requests (even after being provided with requested extensions).

The discovery propounded by my clients was specifically designed to

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address the areas the Court permitted to be the subject of discovery - the existence of Local 715, its representative capacity and the handling of its resources. This is not requesting every document held by Local 715 but your comment underscores a major issue regarding the pending discovery - Local 715 has failed to provide complete responses and has further failed to produce responsive documents. Further, we have not noticed "scores" of depositions. We have noticed five depositions of individuals who have direct knowledge of these issues -including the trustee of Local 715 whom you refused to produce. Again, any "delay" is solely due to your clients' conduct.

That being said, you have indicated you are available to discuss these matters on July 3, 2008. I will be on vacation but will make myself available for a call. What time works for you? Thank you.

-----Original Message-----

From: Bruce Harland [[bharland@unioncounsel.net](mailto:bharland@unioncounsel.net)]  
Sent: Tuesday, July 01, 2008 5:14 PM  
To: Ridley, Eileen R.  
Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
Subject: RE: SEIU v. Stanford Cases

Dear Ms. Ridley,

I have talked with my client, Local 715, regarding whether or not it would agree to stipulate to continue the July 18, 2008 filing date for dispositive motions.

Unfortunately, my client does not wish to stipulate to continuing the filing date. The cases pending before Judge Fogel not only involve terminations of employees, but also issues of back pay.

For example, with respect to the petition to vacate that your client filed against the Union, every day of delay means a day that anesthesia techs do not receive the back pay that a neutral arbitrator ruled they are entitled to. The same is true for the petition to confirm that Local 715 filed, involving the termination of Victor Acosta. Further delay just means that Mr. Acosta will have to wait longer to get his job back and the back pay that he is owed, despite the fact that a neutral arbitrator has already determined that your client terminated him without just cause.

Furthermore, the primary reason that it appears that your client needs to continue the July 18, 2008 hearing date is because your client waited to propound 57 requests for documents to multiple parties, and to take depositions of various individuals until the last minute.

All of the requests for documents were extremely overbroad -- both in time and scope -- essentially asking for every single document ever produced by Local 715. And rather than immediately notice a deposition of the person most knowledgeable about Local 715's standing to sue, your client noticed depositions of scores of individuals from Washington D.C. to California for the end of June, just weeks before the fourth of July.

Turning to the scheduling of depositions for Rusty Smith and Myriam Escamilla, Mr. Smith is unavailable until July 14, 15, 16, and 17, 2008.

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As to Ms. Escamilla, you stated in your June 23, 2008 letter that she was noticed as a non-party, or in other words as an employee of SEIU, United Healthcare Workers -- West. First, service of the subpoena was improper, as you served the subpoena to her at the Local 715 address. Second, it is unclear what you need her to testify to, given that you served her as a non-party. Judge Fogel was clear in his instructions: discovery was limited to whether or not Local 715 had standing to sue. Mr. Smith, as the Trustee of Local 715, could certainly be deposed on this matter. As you are already aware, Ms. Escamilla is not available for deposition on July 2, 2008. However, before I offer alternative dates for her deposition, there are various matters we need to discuss, including service of the subpoena and the relevance of her testimony as a non-party.

I am available to meet and confer on July 3, 2008. You can reach me at my office number, 510-337-1001.

Bruce Harland

-----Original Message-----

From: Ridley, Eileen R. [ERidley@foley.com]

Sent: Tuesday, July 01, 2008 4:28 PM

To: Bruce Harland

Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy

Subject: RE: SEIU v. Stanford Cases

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Mr. Harland -

I have not heard further from you regarding this matter. Please provide your response by tomorrow morning (9 a.m.) including whether your client will stipulate to a continuance of the filing date - otherwise we will bring a motion before Judge Fogel to continue the date. Thanks very much.

Eileen

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-----Original Message-----

From: Bruce Harland [bharland@unioncounsel.net]

Sent: Monday, June 30, 2008 7:41 AM

To: Ridley, Eileen R.

Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy

Subject: RE: SEIU v. Stanford Cases

Eileen,

7/3/2008

I'm out of the office and will not be back until tomorrow, Tuesday, July 1, 2008. I will have to talk to my client about the stipulation that you propose. I will talk to you tomorrow.

Bruce

-----Original Message-----

From: Ridley, Eileen R. [ERidley@foley.com]  
Sent: Fri 6/27/2008 4:59 PM  
To: Bruce Harland  
Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
Subject: RE: SEIU v. Stanford Cases

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Mr. Harland:

I have yet to hear from you regarding the matters discussed below. As the Court has set a date for filing dispositive motions for July 18, 2008 and we have not resolved our pending discovery disputes, will you stipulate to a continuance of the July 18, 2008 deadline? Please provide your response to this question and the issues raised below by Monday, June 30, 2008. Thank you

Eileen

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From: Ridley, Eileen R.  
Sent: Wednesday, June 25, 2008 11:20 AM  
To: Bruce Harland  
Cc: Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
Subject: SEIU v. Stanford Cases

Mr. Harland:

I have not yet received a response to my letter of June 23, 2008 regarding the above cases and the depositions of Mr. Smith and Ms. Escamilla. We understand that you are refusing to produce Mr. Smith for his deposition tomorrow. Please immediately provide alternative dates for Mr. Smith and Ms. Escamilla as these depositions must be completed soon given July 18th deadline to file dispositive motions. We

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would prefer not to have to seek Court intervention in this matter and look forward to resolving it soon. However, we are prepared to file a motion to compel these depositions if we cannot reach an agreement with you. We look forward to your response.

In the meantime, we have received the responses to my clients' request for production/subpoenas from your clients and believe they are insufficient and incomplete. We will address those issues by separate correspondence. However, the responses specifically include objections based upon privilege but no privilege log was provided. Please provide that log immediately. Thank you.

Eileen

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# **EXHIBIT TT**

**From:** Ridley, Eileen R.  
**Sent:** Wednesday, July 09, 2008 1:57 PM  
**To:** Bruce Harland  
**Cc:** Arnold, Laurence R.; Inciardi, Scott P.; Kunisaki, Kristy  
**Subject:** SEIU v. Stanford Cases

**From the Desk of:** Eileen R. Ridley



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Dear Bruce:

Per our discussion today, I am writing to broadly outline the pending discovery issues with an eye toward resolution of them short of a motion before the Court. This email is part of our conference to resolve these issues.

Preliminarily, you confirmed you had verifications and would be providing those to us which we appreciate. Also, to the extent that any documents are being withheld on privilege grounds, please provide us with a log related to those materials and the grounds for non-production.

As we discussed, my clients are not seeking every document your client has for production. Again, the focus truly is the existence of Local 715, the use of its resources, its representational activities and and its representation by others and legal counsel. As I noted with you, if there are no responsive documents, we certainly recognize that as an answer - we just need to have that position stated and verified by your client. With this in mind, there are essentially four broad areas of concern regarding your client's discovery responses as follows:

#### **Communications:**

Our requests seek materials related to communications between Local 715 and the other union entities with which we know Local 715 has communicated regarding its existence, resources, representational services, and representation. The other union entities include the International (where there was clearly communication between 715 and the International regarding the trusteeship of 715 as referenced in Mr. Stern's order regarding the trusteeship), Local 521 (which received information regarding and transfers of Local 715's resources (including dues, receipts, bank accounts, other assets and property and member records), and with agents and representatives of UHW (which had a "Servicing Agreement" with Local 715 purportedly involving matters concerning representational or other activities with respect to, or otherwise relating to, the bargaining unit employees of my clients). There would also be, we believe, communications with Local 1877 and its apparent successor, SEIU Higher Education Workers United Local 2007, regarding representational activities by it on behalf of or in place of Local 715 as regards Stanford University and Santa Clara University. These communications could take the form of letters, memos and e-mails, etc. However, none of these communications have been provided. You noted that some communications may have been oral and we acknowledge that may be the case. Nonetheless, we need a response that there has been a search for such materials and no written responsive documents exist (e.g., Mr. Stern's letter instituting the trusteeship says he is taking such actions due to "reports" he has received - if the reports are in written form they should be produced). I understand you believe there may be some documents (although it may also be the case that some communication was oral). You have agreed to review these requests again with your client and further produce and/or indicate there are no further documents.

#### **Resources:**

7/9/2008



The next very broad category concerns resources which includes information regarding the handling of Local 715's funds and dues receipts and other assets. These materials relate directly to the existence of Local 715 and its operational activities. As we discussed, the information regarding dues and accounts has been made public by required reports as well as the fact that information regarding dues retained by Local 715 has been transmitted to Local 521 (who placed that information on its website). You mentioned that there are actual bank accounts presently managed by the trustee on behalf of Local 715 and you would review your client's records regarding this material but would ask that some actions be taken to preserve privacy (e.g., redacting the last four digits of the account). We do want these records for the entire period specified. We are not sure what privacy interest there is in bank accounts of a labor organization as opposed to those of an individual, but we would be agreeable to this procedure preserving privacy so long as the accounts can be clearly identified as being accounts held by Local 715. You agreed to review your clients' records for these materials.

**Representation:**

We have addressed this issue in correspondence related to the discovery disputes but wanted to follow up on it here as well. We are not asking for communications where counsel for Local 715 is providing legal advice. We are asking for written materials reflecting Local 715's direct retention of counsel (and the identity of that counsel) and/or the use of counsel retained by other union entities (i.e., UHW, Local 521 and/or the International) related to issues concerning Local 715. Again, we are not seeking information regarding legal advice given - just the fact of retention.

**Depositions:**

Finally, as discussed, we are seeking the depositions of Mr. Smith, Ms. Escamilla and Ms. Semersheim and wish to make those proceedings as efficient as possible. Thus, we want to schedule those depositions to take place after we have received your client's complete production of documents (so we can conclude the proceedings rather than adjourn them pending resolution of discovery disputes).

As your office is also representing UHW and Local 521, the above general descriptions also apply to these entities. Neither of these entities has provide a complete response to the subpoenas served on them nor have they produced any documents (which, of course, is inappropriate given the fact that they clearly have responsive documents - e.g., UHW has the Servicing Agreement with Local 715 and communications related to it while Local 521 at the very least as communications related to the dues and members records it received from Local 715).

Our motion to continue the dispositive motion dates is pending with the Court and, given the existence of additional information to produce, we again ask that your client re-consider its position regarding continuing these dates - a simple stipulation would most likely be appreciated by the Court given the situation. Moreover, we represented to the Court that we will file motions to compel this week if the pending discovery issues cannot be resolved. Consequently, please provide us with responses as soon as possible so that we may determine if such a motion need be filed. Thanks very much.

*Eileen*

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